

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 18-CR-00204(NGG)

Plaintiff , :

-against- : United States Courthouse
Brooklyn, New York

KEITH RANIERE, et al., :

Defendant. : June 14, 2019, Friday
9:30 a.m.

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TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE NICHOLAS G. GARAUFI
UNITED STATES DISTRICT JUDGE, and a jury

APPEARANCES:

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1 (In open court - jury not present.)

2 (Judge NICHOLAS G. GARAUFIS entered the courtroom.)

3 THE COURT: Good morning.

4 MS. PENZA: Good morning, Your Honor.

5 (Defendant entered the courtroom.)

6 THE COURT: Appearances.

7 MS. PENZA: Moira Penza, Tanya Hajjar, and Mark
8 Lesko for the United States. Special Agent Michael Lever and
9 Paralegal Specialist Teri Carby are also at counsel table.

10 Good morning.

11 THE COURT: Good morning.

12 MR. AGNIFILO: Good morning, Your Honor. Marc
13 Agnifilo, Teny Geragos, Paul der Ohannesian, and Danielle
14 Smith for Keith Raniere, who is with us here this morning in
15 court.

16 Good morning.

17 THE COURT: Good morning, everyone.

18 MR. der OHANNESIAN: Good morning, Judge.

19 THE COURT: All right, please be seated.

20 I am going to start by discussing some scheduling
21 issues.

22 As I noted earlier, we have three jurors who have
23 travel commitments, I would say, beginning with Juror 11 on
24 6/23, Juror 5 on 6/25, and Juror 6 on 6/27.

25 And the schedule that we outlined on Friday makes it

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1 likely that the jury would not receive the case until sometime
2 late on Wednesday and that would only give the jury either two
3 days, Thursday and Friday; or three days, if they were willing
4 to sit on Saturday, to resolve the case.

5 And it would appear to me that with the -- I am
6 looking at the list of evidence in the case, I have not
7 counted, but it is a lot. And the fact that there are going
8 to be extensive instructions of over a hundred pages, and that
9 this is a racketeering indictment, that it is going to take a
10 good deal of time for them to sort through everything.

11 So accordingly, I am going to push the whole thing
12 forward, closer. I need to have a charge conference tomorrow
13 at 11:00 a.m. And let's make sure that the defendant is
14 produced for that.

15 Monday morning we will have closing arguments, we
16 will start closing arguments. And I am going to ask everyone
17 to tighten up their closing arguments, not to leave anything
18 out, but to make their closing arguments focused and robust,
19 but not expansive, if at all possible.

20 I am not telling you how much time. I am not
21 limiting you. You can speak as long as you need to. But just
22 remember, the sooner we get this case to the jury, the more
23 likely it is that we won't need to replace a juror and then
24 start from scratch.

25 And I am going to tell the jury that what we are

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1 trying to do is to give this case to them as early in the week
2 as possible. And also tell them that if they are unable --
3 if they haven't reached a verdict by Friday, and they are
4 willing to sit on Saturday, that we can accommodate that as
5 well.

6 But they need to know that we are trying to get this
7 to them as quickly as possible.

8 Any comments?

9 MR. AGNIFILO: Nothing from us.

10 MS. PENZA: No, Your Honor.

11 THE COURT: All right, 11:00 a.m. tomorrow for a
12 charge conference.

13 Has everyone received the first draft of the charge?

14 MR. AGNIFILO: We have.

15 MS. HAJJAR: Yes, Your Honor.

16 THE COURT: All right, and we have received the
17 Government's language.

18 Now, I also have two letters from the Government. I
19 think there's the -- is there -- the forfeiture letter. Do we
20 need to talk -- oh, hi. Ms. Orenstein, come on up.

21 What is the Government's position on the jury
22 dealing with -- potentially dealing with forfeiture?

23 MS. ORENSTEIN: Your Honor, our position is that
24 because we are not seeking any specific assets, but only a
25 forfeiture money judgment, that there is no right to retain

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1 the jury to determine that.

2 We could do it all on papers, or if we need a
3 hearing we can do that later on, but not with the jury.

4 THE COURT: All right, thank you.

5 And I would like to hear from the defense on that,
6 whether orally now or at a later date.

7 MR. AGNIFILO: Well, I think Ms. Orenstein is
8 correct, but I do want to just check a couple of things on --

9 THE COURT: Okay.

10 MR. AGNIFILO: -- and if that's right, then we'll
11 agree.

12 THE COURT: All right, just let me know.

13 Okay. Thank you, Ms. Orenstein. Have a nice day.

14 MS. ORENSTEIN: Thank you.

15 THE COURT: Okay. Anything else before we start?
16 About how much more do you have?

17 MS. PENZA: I really believe 45 minutes, Your Honor.

18 THE COURT: All right. And then the defense?

19 MR. AGNIFILO: We are definitely going to finish
20 before lunch.

21 THE COURT: Okay. At the break, we will have a
22 break, I need to take a short matter. So I just wanted to let
23 you know about that. Okay.

24 MS. PENZA: I'm sorry, Your Honor, just very
25 briefly.

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1 Government Exhibits 505 and 505-A were discussed at
2 sidebar yesterday, and were offered by the Government.

3 I believe Your Honor overruled the objection as to
4 them, but we wanted to formally admit them, because I don't
5 think they have been admitted yet.

6 THE COURT: Do you want to just do it in front of
7 the jury? Is it all right if we do it right here?

8 MR. AGNIFILO: You can do it here, Judge.

9 THE COURT: All right, 505 and 505-A are objected
10 to, correct?

11 MR. AGNIFILO: I'm --

12 MS. PENZA: There was -- they were -- that was in
13 relation to Ms. Hajjar's witness, Brian Booth, so...

14 MR. der OHANNESIAN: I think we -- our objections
15 were on the record and you overruled them.

16 THE COURT: And you are renewing the objection?

17 MR. der OHANNESIAN: Yes.

18 THE COURT: All right.

19 MR. der OHANNESIAN: Yes.

20 THE COURT: The objections are overruled. 505 and
21 505-A are received in evidence.

22 (Government's Exhibits 505 and 505-A were received
23 in evidence.)

24 THE COURT: Let's bring in the witness.

25 (Witness enters the courtroom and resumes the

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1 stand.)

2 MS. PENZA: Your Honor, if I may, before the jury --
3 or even as they come in, but 619 is another exhibit that was
4 admitted, but I think the transcript is in error and has the
5 wrong number. So we just wanted to confirm that 619 is in
6 evidence.

7 MR. AGNIFILO: That's fine.

8 THE COURT: All right, 619 is in evidence. Thank
9 you.

10 (Jury enters.)

11 THE COURT: Please be seated, everyone.

12 Members of the jury, good morning.

13 THE JURORS: Good morning.

14 THE COURT: Before we continue with the testimony of
15 the witness, I'd like to go over the schedule with you again.

16 After reviewing the vacation commitments of three of
17 the jurors, and consulting with the attorneys for both sides,
18 I am revising the schedule.

19 Tomorrow we will have the conference on the jury
20 charge. Of course, you won't be here, but we will be able to
21 resolve any issues having to do with the jury charge, and
22 prepare a final jury charge for you tomorrow.

23 On Monday we were not going to sit, we were going to
24 have the jury charge discussion, but we are going to sit. And
25 we are going to start closing arguments on Monday morning at

1 9:30.

2 So that gives us an extra day next week. All right?
3 So that Monday and part of Tuesday, at least, we will have the
4 oral argument of the parties, and then I will give you the
5 charge as to the law. And then you will begin your
6 deliberations probably, hopefully, early on Wednesday.

7 And that gives you Wednesday, Thursday, and Friday.
8 And if you have not reached a verdict, and it is possible for
9 you to sit on Saturday, I am more than willing to have you sit
10 on Saturday if you are able to resolve any open issues.

11 If the jury has not reached a verdict by Saturday
12 the law is as follows, and I just want to share it with you,
13 without making any comment on any meaning that it would have
14 for you:

15 That if a juror who is deliberating is no longer
16 able to deliberate, the first alternate would take over for
17 that juror, and the deliberations would have to start from the
18 beginning. So to make it less likely that that becomes
19 necessary, we are trying to provide more days next week for
20 you to deliberate.

21 So this is all in an effort to move the case along
22 and to give you the time next week to carefully consider all
23 of this substantial evidence in the case, and the law as I am
24 going to give it to you in the charge. So I just wanted to
25 advise you about that.

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1 If we get to the point late next week during
2 deliberations where there's a question of whether to sit on
3 Saturday, I will be back with you about that.

4 So, at this point, we will continue with the direct
5 examination of the witness.

6 The witness is advised that he is still under oath.
7 Ms. Penza.

8 MS. PENZA: Thank you, Your Honor.

9 Your Honor, may I -- oh.

10

11 (Continued on the following page.)

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Weniger - direct - Penza

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1 **MICHAEL WENIGER,**

2 called as a witness by the Government, having been
3 previously duly sworn/affirmed by the Courtroom Deputy,
4 was examined and testified further under oath as follows:

5 DIRECT EXAMINATION

6 BY MS. PENZA:

7 Q This is -- I am showing what's already in evidence as
8 Government Exhibit 669.

9 (Exhibit published.)

10 Q Special Agent Weniger, good morning.

11 A Good morning.

12 Q Yesterday when we looked at this was the website from the
13 NXIVM, this was the NXIVM website regarding Keith Raniere?

14 A Yes.

15 Q And it had his biography --

16 A Yes.

17 Q -- what purported to be his biography?

18 And it talked about him taking PhD-level mathematics
19 and science classes?

20 A Yes.

21 Q And then we looked very briefly at Government
22 Exhibit 670, which was the defendant's transcript, is that
23 right?

24 A That's correct.

25 Q Okay. And so I just want to go through some of the

Weniger - direct - Penza

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1 classes that he took.

2 So starting -- I mean, if we just -- and we won't go
3 through all of his entire transcript, but looking at fall
4 1978, there is a number of C's in various classes, organic
5 chemistry, intermediate mechanics, is that right?

6 A That's correct.

7 Q And then -- and there are some higher level courses on
8 the next page, is that right?

9 A It appears so, yes.

10 Q And as of -- as of spring 1979, the defendant was placed
11 on probation?

12 A That's correct.

13 Q At that time, his GPA was a 2.26 -- a 2.49, rather?

14 A Yes.

15 Q And then if we look fall 1980, there is an F in general
16 physiology, an F in advanced ordinary differential equations,
17 an F in theoretical physics, and an F in quantum mechanics?

18 A That's correct.

19 Q Okay. And it says he was placed on probation, and that
20 there was actually academic dismissal on 12/31/80?

21 A Yes.

22 Q And then go down further, there is a D in experimental
23 physics?

24 A Correct.

25 Q Okay. And then that leads to the final GPA of 2.26?

Weniger - direct - Penza

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1 A Yes.

2 Q I am going to be jumping around topics a little bit this
3 morning, Special Agent.

4 In the course of your investigation, did you review
5 any e-mails and other documents related to the -- to various
6 financial arrangements?

7 A Yes.

8 Q So we are just going to look at a couple of those.

9 Showing you what's in evidence as Government
10 Exhibit 1383.

11 (Exhibit published.)

12 BY MS. PENZA:

13 Q Are you -- are you familiar with this -- are you familiar
14 with this document?

15 A I am, yes.

16 Q Okay. And do you know what this was in relation to?

17 A I believe this was in relation to exo/eso, a company that
18 was -- that was operated by Danielle.

19 I should explain. Exo/eso is one of the umbrella
20 companies under NXIVM.

21 Q Okay. And I know the screen is going in and out, but I
22 can -- why don't --

23 MS. PENZA: Your Honor, may I just approach the
24 witness and ask him while we're waiting?

25 THE COURT: Yes, you may.

Weniger - direct - Penza

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1 BY MS. PENZA:

2 Q Special Agent Weniger, I am just going to ask you some
3 questions about this document.

4 Government Exhibit 1383, who is this document to and
5 from?

6 A The document is to Danielle, and it is sent from Clare
7 Bronfman.

8 Q Okay. And that's the Danielle who -- is that -- is that
9 the Danielle who did the branding in this case?

10 A That's correct.

11 Q Okay. And then who is copied on this e-mail?

12 A Adrienne Styles, Sahajo, Rebecca Davis, Bonnie Piese, and
13 the defendant.

14 Q And do you know a number of those people to be involved
15 in exo/eso?

16 A Yes, I do.

17 Q And does this document discuss payments to various
18 individuals?

19 A Yes, it does -- or at least percentages.

20 Q And so can you just read the percentages that are listed
21 here?

22 A Well, I should mention that the -- the portion that's
23 drafted here is in red, which according to the -- or excuse
24 me, magenta, appears to be -- oh, I'm sorry.

25 It says -- it states 70 percent to the mentor,

Weniger - direct - Penza

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1 10 percent to the place owner, 10 percent to corporate, and
2 10 percent to Keith.

3 Q And is that consistent with other documents that you've
4 reviewed, this idea of 10 percent of proceeds going to the
5 defendant?

6 A Yes, it is.

7 THE COURT: You can go back to the lectern. And the
8 ELMO is working.

9 MS. PENZA: Thank you, Your Honor.

10 THE COURT: You're welcome.

11 BY MS. PENZA:

12 Q Showing you what's in evidence as Government
13 Exhibit 1827.

14 Are you familiar with this document?

15 A Yes, I am.

16 Q Okay. And --

17 A JUROR: Excuse me.

18 Q -- at the bottom of the e-mail --

19 A JUROR: Excuse me.

20 MS. PENZA: Yes.

21 A JUROR: It wasn't working. Now it is.

22 THE COURT: Okay. Please let me know any time that
23 something like that happens.

24 Go ahead.

25 BY MS. PENZA:

Weniger - direct - Penza

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1 Q At the bottom there is a forwarded message from someone
2 named Matt Burbach to John Sandweg.

3 Do you know who John Sandweg is?

4 A I do.

5 Q Who is he?

6 A John Sandweg is the former acting director of Immigration
7 and Customs, and has since gone out on his own to start a
8 immigration consulting firm.

9 Q Okay. And do they do other types of consulting as well?

10 A That's my understanding, yes.

11 Q And what was their involvement, just very generally, in
12 this case?

13 A My understanding is that Clare Bronfman was in regular
14 contact and had hired Mr. -- Mr. Sandweg.

15 Q And is this e-mail in reference to Marianna's visa?

16 A Yes.

17 Q Okay. And so I just want to read -- so here it says --
18 it's talking about a notice of a gift from Keith Raniere to
19 Marianna?

20 A Yes.

21 Q Is that right?

22 Do you have a -- from review of other documents, and
23 documents that we are going to look at in a second, do you
24 have an understanding of what's happening here?

25 A My understanding is that, and I am not an immigration

Weniger - direct - Penza

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1 specialist, but my understanding is that a gift is being made,
2 and then -- with the prospect of investment in order to obtain
3 a visa. There is a particular type of visa that is available
4 and -- in the event that a certain -- a certain amount of --
5 is invested in -- in the U.S.

6 Q Okay.

7 (Exhibit published.)

8 BY MS. PENZA:

9 Q And the defendant responds to Clare Bronfman or
10 forward -- here and says: I don't have the money yet to make
11 this gift. I won't even be able to assess that for a while,
12 but Pam had a desire to make this gift, which can be done from
13 her estate or something like that.

14 And this is on December 21st, 2016?

15 A Yes.

16 Q Okay. And so at -- December 21st, 2016, the defendant
17 says: I don't have the money yet to make this gift?

18 A That's correct.

19 Q And then do you know whether there was -- there were
20 funds transmitted to Marianna?

21 A Yes.

22 Q Okay. And who ended up transmitting those funds?

23 A I believe Clare Bronfman's assistant transferred those
24 funds, and they're -- Clare Bronfman's funds were transferred,
25 ultimately.

Weniger - direct - Penza

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1 Q Okay. And I am showing you what's in evidence as
2 Government Exhibit 1829.

3 (Exhibit published.)

4 BY MS. PENZA:

5 Q Are you familiar with this?

6 A Yes.

7 Q Okay. And where did we -- do you know where we obtained
8 this, this document and the page behind it?

9 A I am not certain. Maybe from the estate, but I'm not
10 certain.

11 Q Are you familiar with something called Steiner
12 Redevelopment?

13 A Yes, it's in the Brooklyn Navy Yard.

14 Q Okay. And was this -- was that part of this investment
15 visa, there was going to be an investment in this -- the
16 Brooklyn Navy Yard?

17 A That's right, yes.

18 Q Okay. And do you know whether we received documents from
19 Steiner Redevelopment?

20 A I assume that's where this comes from.

21 Q Okay. And this is a check that was -- that is dated
22 February 3rd, 2017?

23 A Correct.

24 Q And the remitter is Michele Tarzia?

25 A Yes.

Weniger - direct - Penza

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1 Q And who is Michele Tarzia in relation to Clare Bronfman?

2 A Michele Tarzia is a bookkeeper for a number of Clare
3 Bronfman's companies.

4 Q Okay. And it's a check for \$525,000?

5 A That's right.

6 Q And then this is a Notice of Gift?

7 A Yes.

8 Q And it is dated January 30th, 2017?

9 A Yes.

10 Q Okay. And it's from Clare Bronfman?

11 A Correct.

12 Q Again, jumping topics.

13 THE COURT: What exhibit was that, again?

14 MS. PENZA: That was Exhibit 1829, Your Honor.

15 THE COURT: 1829, okay. Thank you.

16 BY MS. PENZA:

17 Q Special Agent Weniger, are you familiar with something
18 called a sheriff's ID?

19 A I am.

20 Q Can you just explain what a sheriff's ID is?

21 A Sure. Certain counties within the State of New York,
22 their sheriff's offices will -- will -- assuming that you
23 provide the appropriate documents, will create an
24 identification card. It's similar to, like, a New York City
25 identification card that one can get.

Weniger - direct - Penza

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1 And it's just for purposes of -- of -- of utilizing
2 as an identification card. It's not specific to, I think --
3 you know, it's -- it's for any citizen that resides within
4 that county.

5 Q Now, showing you what's in evidence as Government
6 Exhibit 1819.

7 (Exhibit published.)

8 BY MS. PENZA:

9 Q Is this something that you're familiar with?

10 A Yes.

11 Q Okay. And is this a -- this is a subset of a larger
12 attachment that was attached to this e-mail?

13 A Correct.

14 Q Okay. So can you just -- can you just explain the
15 "To"/"From" and the attachments?

16 A Certainly. So the "To" is from a Proton e-mail that we
17 have associated with the defendant. The "From" is also,
18 obviously, from the defendant. It was sent on November 25th
19 of 2017, and it is a forward of a super backup to an SM -- to
20 SMS messages.

21 Q Okay. And the -- the full document that was actually
22 attached, is that approximately 2,000 pages?

23 A Correct.

24 Q Have you reviewed every page of that?

25 A I have not.

Weniger - direct - Penza

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1 Q In general, can you explain -- were -- did you -- did you
2 review it enough to have a sense of what the document was?

3 A It appeared to be SMS messages.

4 Q Whose SMS messages?

5 A The defendant's.

6 Q I am just going to point you to -- in this specific
7 portion, were there specific messages that you are going to
8 highlight for us?

9 A Yes.

10 Q And so who are those messages between?

11 A Those messages are between the defendant and Kristin
12 Keefe.

13 Q And what is the -- the -- is the -- when is the timing of
14 these messages?

15 A The timing is during Daniela's transport back to Mexico
16 after she was in the room.

17 Q And so, obviously, the type is a little difficult to see
18 here. Were you able to make some sense out of it?

19 A Yes.

20 Q Okay. And was there something in particular that was --
21 that was helpful?

22 A The -- the types, the -- if it -- the reference to Type 1
23 and Type 2 was -- I was able to determine which -- which
24 individual was the sender and the recipient.

25 Q And did the type actually refer to the direction that

Weniger - direct - Penza

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1 the --

2 A Yes.

3 Q -- that the message was going?

4 And was Type 1 incoming and Type 2 outgoing?

5 A That's right.

6 Q So Type 2 messages are being sent from the defendant?

7 A That's right.

8 Q And we won't go through all of these, but starting here
9 (indicating), this is a Type 1 message?

10 A Correct.

11 Q And who is it from?

12 A (No response.)

13 Q Sorry. Can you see?

14 A Kristin Keeffe.

15 Q Sorry. This one (indicating)?

16 A Oh, excuse me. Lauren Salzman.

17 Q Okay. And this message is being sent on February 10th,
18 2012?

19 A Correct.

20 Q Okay. And can you just try to read it,
21 without reading -- it appears that where there's an apostrophe
22 or something like that, there is a little abbreviation for
23 that.

24 But if you could just read, generally, what it says.

25 A Sure.

SAM

OCR

RMR

CRR

RPR

Weniger - direct - Penza

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1 I'd like to go to sleep in the next half hour. I
2 will set my alarm for 7:00 a.m. You can wake me any time
3 between now and then. I plan to go to Wilton at 8:00.

4 Q And then does that message actually continue?

5 A It appears so, yes.

6 Q And how does it continue?

7 A 8:15 a.m. with Kristin. X0.

8 Q And from Lauren Salzman?

9 A Correct.

10 Q And Wilton, can you just remind us what Wilton is?

11 A 12 Wilton Court was the residence where Daniela was --
12 that the -- that her entire family lived.

13 Q Okay. And just here (indicating), was this the -- was
14 this the phone number you were able to associate with Kristin
15 Keeffe?

16 A That's right.

17 Q And how were you able to associate that with Kristin
18 Keeffe?

19 A From the contacts within Lauren Salzman's telephone.

20 Q And if we just start here (indicating), can you read --
21 and this is Type 1, so this is an incoming message?

22 A That's right.

23 Q Okay. And so can you read the incoming message?

24 A My biggest concern is her lack of aspiration in light of
25 her shortcomings. She seems aware that she is a certain way,

Weniger - direct - Penza

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1 but doesn't care. I hope to talk.

2 Q And then does it -- does the -- does the message
3 continue?

4 A Yes.

5 Q Can you read --

6 A Tonight about the reality of what her life will be like
7 versus what it could have been and how drastic this is.

8 Q Okay. And then here (indicating), Type 2, what does that
9 indicate?

10 A It's a response.

11 Q Okay. And this is also -- so this is a response from the
12 defendant, and then to the same number?

13 A Yes.

14 Q So to Kristin Keeffe?

15 A Correct.

16 Q And so what does the defendant say?

17 A Be careful she does not catch on, think it is a game...

18 Q And then if you -- if you can -- and then does Kristin
19 Keeffe respond?

20 A Yes.

21 Q And how does she respond?

22 A What do you mean, catch on to what?

23 Q And then what does the defendant say?

24 A That she thinks you are trying to sell her --

25 Q Does it look like "sell" is in quotation marks?

Weniger - direct - Penza

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1 A Yes.

2 -- sell her instead of presenting reality...

3 Q And Kristin responds: Got it, no selling?

4 A Correct.

5 Q And these messages, they are being sent on February 11th,
6 2012?

7 A That's right.

8 Q Then -- okay. So starting here (indicating), do you see
9 where my finger is pointing?

10 A Yes.

11 Q Okay. This is a message -- this is a Type 2 message, so
12 a message from the defendant?

13 A That's right.

14 Q And this is on February 13th, 2012?

15 A Yes.

16 Q And the defendant -- what does the defendant say?

17 A Anything more? Are you okay?

18 Q Okay. And then is this where Kristin responds?

19 A Yes.

20 Q And what does she say? And there's --

21 A Yes, I am --

22 Q And there's three responses in a row?

23 A That's correct.

24 Q Can you just read the whole thing?

25 A Sure.

SAM

OCR

RMR

CRR

RPR

Weniger - direct - Penza

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1 Yes, I am fine, thank you for asking.

2 She behaves in a way that is very unnatural. It's
3 creepy in a way, although I am unafraid. I think her joy
4 comes from boundary pushing and boundary destruction.

5 I do not think she minds going to Mexico, nor is she
6 worried about money. She must have come up with a plan in her
7 head. The short period where she exhibited fear ended at
8 lunch.

9 Q And then does the defendant -- does the defendant
10 respond?

11 A He does.

12 Q And what does he say to Kristin?

13 A It may be she thought you were trying to scare her. The
14 natural game playing reaction to that is confidence. If she
15 were scared, she could not give up the control by letting you
16 know.

17 Q And then does the defendant continue on?

18 A Yes.

19 Q Can --

20 A Remember, for her it is only about control.

21 Q And then he continues on again?

22 A Likewise, the visible overeating.

23 Q And then does Kristin respond?

24 A Yes.

25 Q And what does she say?

Weniger - direct - Penza

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1 A Hmmm, need to process that. What do you advise?

2 Q And then does the defendant respond?

3 A Yes.

4 Q And what does he say?

5 A Even if left on a dirt road going nowhere, she will
6 justify and play a game.

7 Q And then does he continue?

8 A Yes.

9 Q What does he say?

10 A I believe currently she is incapable of remorse or truly
11 admitting she is wrong.

12 Q And then Kristin responds: Agreed, with a sad face?

13 A That's right.

14 Q Okay. And then does the defendant say something else?

15 A Yes.

16 Q And what does he say?

17 A Before Bobo leaves, she should understand she was tested
18 several times, like your comment to her about her father
19 supporting her. Each time she answers predictably and behaves
20 predictably, with pride and as a game, with no acting
21 conscience.

22 Q Okay. And then showing you the next page. And does the
23 defendant continue on again?

24 A Yes.

25 Q And what does he say?

Weniger - direct - Penza

5148

1 A Even if she found herself alone on a dirt road in Mexico
2 without money, she would either still play the game or justify
3 her situation with self-pity. She would never have the true
4 recognition she made a bad mistake.

5 Q And then it -- and then there is another one?

6 A She is incapable of truly and deeply admitting she is
7 wrong.

8 Q And do you have a -- were you able to tell from these
9 messages when the defendant and Kristin Keeffe were exchanging
10 these messages?

11 A Yes. As I said earlier, this appears to be during the
12 trip from Clifton Park to the border.

13 Q Special Agent Weniger, I am going to switch topics again.

14 During the course of your investigation, you,
15 obviously, investigated DOS, is that correct?

16 A That's correct.

17 Q And in your investigation of DOS, did you come -- were --
18 did part of your investigation involve reviewing nude images?

19 A It did.

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21 (Continued on the following page.)

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Weniger - direct - Penza

5149

1 BY MS. PENZA: (Continuing.)

2 Q And just in general, was there a commonality to these
3 nude images?

4 A Yes. The majority were -- were close-up, inner-labia
5 shots and there were also photographs that would include
6 vaginal shots, but also include the woman's face.

7 Q In general did there also seem to be a significant amount
8 of pubic hair in the photos?

9 A Yes.

10 Q Were -- do you know whether some of these photographs
11 were collateral that you reviewed?

12 A Some were, yes.

13 Q Now, since -- since your investigation, are you aware of
14 any collateral being released?

15 A Yes.

16 Q Okay. Can you explain?

17 A During the course of this trial, I viewed a video that
18 was on Mexico television of the branding ceremony of Sarah,
19 Sarah being the individual that originally went to The New
20 York Times in November of 2017 and discussed her experience
21 with DOS.

22 Q And was anybody else in the video?

23 A There were other people. However, the other people's
24 faces were blurred.

25 Q Was Sarah's face blurred?

Weniger - direct - Penza

5150

1 A It was not.

2 Q And what state of -- were you able to tell from the video
3 clip what state of undress the people were in?

4 A The majority of the people within the video, I would say
5 within the --

6 MR. AGNIFILO: Your Honor, could we have a quick
7 sidebar?

8 THE COURT: Yes.

9 (Sidebar held outside of the hearing of the jury.)

10 (Continued on next page.)

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Weniger - direct - Penza

5156

1 (Continuing.)

2 BY MS. PENZA:

3 Q Special Agent Weniger, I'm showing you what's in evidence
4 as Government Exhibit 550. Are you familiar with this
5 document?

6 A Yes.

7 Q Okay. And is this a file structure from a hard drive
8 that you're familiar with?

9 A Yes, of the hard drive that was discussed yesterday.

10 Q And this was the file structure from the various folders
11 of photographs that were reviewed?

12 A That's correct.

13 Q Are you personally familiar with these -- with these
14 files and the photos within them?

15 A I am, yes.

16 Q You've reviewed them yourself?

17 A I have.

18 Q Okay. Can you -- was there anything in common about the
19 way that the Studies folders were labeled that you were able
20 to -- or was there -- was there a particular pattern to the
21 way the folders were structured or were labeled, rather?

22 A Yes. The folders began with either initials or the first
23 letter of a nickname for the individuals that were depicted in
24 the images inside that particular photo. Obviously what
25 follows appears to be a date.

Weniger - direct - Penza

5157

1 Q And from your work -- did you actually discover these
2 files yourself personally?

3 A Yes, I did.

4 Q And when you reviewed them, were the individuals
5 recognizable to you, within the folders?

6 A The vast majority of them were and ultimately I was able
7 to ascertain -- not necessarily immediately with all of them,
8 but ultimately, yes.

9 Q And how do you go about doing that?

10 A Just comparing images of -- of other available images of
11 individuals that I was aware of from the course of the
12 investigation.

13 Q Fair to say in this case there were a lot of photos and
14 videos in order -- that that could be compared to?

15 A Absolutely.

16 Q So, I just want to go through each of the folders and
17 have you explain.

18 So, the first one starts 4L. Who is the individual
19 depicted in those folders?

20 A Lauren Saltzman.

21 Q And does the 4L -- how does the 4L relate to Lauren
22 Saltzman?

23 A My understanding was that the 4L was a nickname for
24 Forlorn, that the defendant would occasionally call Lauren
25 Saltzman, Forlorn and would use that abbreviation, 4L.

Weniger - direct - Penza

5158

1 Q And who was in the folder that begins with the letter A?

2 A Angel Smith.

3 Q That's just A for Angel?

4 A Yes. That's my understanding, yes.

5 Q And then BJ?

6 A Barbara Jeske.

7 Q And were those photographs of Barbara Jeske inside the
8 folder?

9 A Yes.

10 Q And whose photographs were in the folder labeled D?

11 A Dawn Morrison.

12 Q And I won't say out loud the second initial, but there's
13 a first initial and a second initial, whose photographs do
14 those relate to?

15 A Daniella and the second letter is consistent with her
16 last name.

17 Q And the next folder beginning with J?

18 A I believe that that particular folder had pictures that
19 depicted Barbara Bouchey and indicating a nickname that was
20 used -- during the course of the investigation, it was
21 determined that the nickname that was used was JA.

22 Q Did that JA come out frequently during the course of the
23 investigation?

24 A It was regularly used between the defendant and Barbara
25 Bouchey.

Weniger - direct - Penza

5159

1 Q And folder beginning with L?

2 A That folder depicted Loretta Garza.

3 Q Is that the same Loretta Garza that was in DOS?

4 A Yes, the DOS first line.

5 Q And then the folder that begins MNP?

6 A These images were of Mariana as well as Pam Cafritz.

7 Q And M -- cap M with a little O?

8 A This folder contained images of Monica Duran.

9 Q Also a DOS slave?

10 A Correct; also first line.

11 Q And then this one, MSK?

12 A This folder contained images of Kathy Russell and during
13 our investigation we determined a nickname commonly within the
14 community for Kathy Russell was Ms. K.

15 Q And then the folder that starts V?

16 A These images are the images that were shown yesterday and
17 they depict Camila and a nickname utilized for Camila -- there
18 were several, but Virgin Cami or VC.

19 Q And you reviewed all of the photos in here; correct?

20 A Yes.

21 Q And can you describe generally, were the photos similar
22 in each of the folders?

23 A Yes.

24 Q And can you just describe that?

25 A The majority of the images are photographs of -- vaginas

Weniger - direct - Penza

5160

1 and inner labia of women. Also there tended to be, and that's
2 how we identified them, by virtue of at least one facial shot
3 that also included a nude image.

4 Q And, in addition to the dates, were there other things
5 that indicated the age of the photographs when you were
6 looking at them?

7 A The photographs did appear to be dated and so one of the
8 things that we did was we tried to look at other items that
9 were within the photographs to see if we could determine, you
10 know, what point in time they were taken.

11 MS. PENZA: Just one second, please.

12 (Pause in proceedings.)

13 (Exhibit published.)

14 BY MS. PENZA:

15 Q I'm just going to show you -- I'm showing you -- I folded
16 it in half, but I'm showing you what's in evidence as
17 Government Exhibit 509-D from the folder that begins with the
18 letter A which I think you said was Angel Smith. And was
19 there something about this photo that indicated the age of
20 these?

21 A The telephone. This other telephone that appears to be
22 by her left arm appears to be an older model Nokia.

23 Q Is that a phone you actually had at one point in time?

24 A It is, actually. In approximately 2002, I had that phone
25 or a similar one.

Weniger - direct - Penza

5161

1 Q Did you keep it for a while?

2 A I did, yes.

3 (Exhibit published.)

4 BY MS. PENZA:

5 Q Again I'm going to fold it over, but I'm showing you
6 what's in evidence as Government Exhibit 516-A and this is
7 from the folder that was labeled with the M-o. I think you
8 testified that was Monica Duran?

9 A Yes.

10 Q It's a little hard to see in here, but you see the VCR?

11 A That's what it appeared to be, an older-model VCR.

12 (Exhibit published.)

13 BY MS. PENZA:

14 Q And now the folders that you reviewed from the Studies
15 folder, how did they compare to the images that you reviewed
16 in the DOS context?

17 A They were consistent. The images in 2005 -- the images
18 we believe were taken in 2005 were consistent with the images
19 that were obtained either via collateral or otherwise by the
20 defendant.

21 Q Did you find images in the defendant's e-mail account?

22 A Yes.

23 Q Okay.

24 MS. PENZA: Your Honor may I just approach the
25 witness, please?

Weniger - direct - Penza

5162

1 THE COURT: Yes, you may.

2 (Counsel approaches.)

3 BY MS. PENZA:

4 Q Special Agent Weniger, I'm showing you what's already in
5 evidence as Government Exhibits 1806, 1807, 1809, 1810, 1811,
6 1812 and 1814. Are you familiar with those?

7 A Yes, I reviewed these this morning.

8 Q Okay. And were these -- I'll just go back to the podium
9 now because I have some questions.

10 Just looking at the dates of these, this is an
11 example of 1, this is Government Exhibit 1806.

12 (Exhibit published.)

13 BY MS. PENZA:

14 Q And it's -- the forward was "Legal Citations"; is that
15 right?

16 A That's correct.

17 Q Are these in evidence?

18 MS. PENZA: Yes, Your Honor.

19 THE COURT: Okay. Go ahead.

20 BY MS. PENZA:

21 Q Was there anything to do with legal citations in the
22 attachments?

23 A No.

24 Q They're all nude pictures?

25 A That's right.

Weniger - direct - Penza

5163

1 Q And it's an forward from Keith Raniere@ -- the original
2 e-mail is February 15 2016?

3 A Yes.

4 Q And it's keithraniere@yahoo.com?

5 A Yes.

6 Q And then that's forwarded on November 25, 2017 to this
7 karateairlinehen@protonmail.com?

8 A Yes.

9 Q And were all of the documents we looked at, were they
10 from similar time periods?

11 A Yes.

12 Q So, the original message would have been sent 2015, 2016
13 and then forwarded to the Protonmail account in November 2017?

14 A Yes, that's right.

15 Q These images from this 2015/2016 timeframe, are these
16 similarly consistent with the same types of images that you've
17 described?

18 A Yes, they are.

19 Q Special Agent Weniger, you said you also reviewed the
20 photographs that were in the folder marked V?

21 A Yes.

22 Q And those were photographs that you identified as being
23 of Camila?

24 A Yes.

25 Q Did you take any addition -- in addition to the steps

Weniger - direct - Penza

5164

1 that we talked about yesterday in terms of the forensics, were
2 there any other steps taken to identify her age in those
3 photos?

4 A Yes.

5 Q Can you explain?

6 A Yes. Late in the investigation but before trial began,
7 we had a conversation with a witness who indicated that Camila
8 had surgery when she was a teenager on her appendix. At that
9 time we did two things; one, we verified that information. We
10 looked back and re-reviewed the medical records that we were
11 already in possession of, obtained from McGinnis Medical
12 Clinic, which I think is already in evidence, and which did,
13 in fact, reflect an appendectomy when Camila was at the age of
14 16.

15 We also contacted the attorney for Camilla's -- a
16 sibling of Camila, and asked and requested a review for any
17 potential medical records that this individual was in
18 possession of. In fact, we got back -- we learned that the
19 individual was in possession of X-rays related to this
20 particular surgery. And, so, we reviewed those X-rays. We
21 reached out to the radiology clinic in regards to the X-rays
22 and they referred us then to the hospital in which the
23 physician that saw Camila at the time and performed the
24 appendectomy and we were able to obtain the medical records
25 from that appendectomy.

Weniger - direct - Penza

5165

1 Q Okay. So I'm showing you what's in evidence as
2 Government Exhibit 548. Are these some of the records that
3 you obtained?

4 (Exhibit published.)

5 A Yes.

6 Q And just -- we've looked at these before, but Camila had
7 appendix surgery on January 9, 2007?

8 A That's correct.

9 Q And have you reviewed photographs of Camila from after
10 January 2007?

11 A I have.

12 Q And you've reviewed photographs up until how recently?

13 A As recently -- of Camila?

14 Q Yes.

15 A Yes, as recently as 2007 -- excuse me 2017, 2018.

16 Q And in those photographs is there any scar visible from
17 this appendix surgery?

18 A In those photographs, there are. The scars are reflected
19 in those photographs.

20 Q After January 9, 2007, the scars were reflected?

21 A Yes.

22 Q And did you review those photographs and compare them
23 with the photographs that were within the Studies folder under
24 V?

25 A Yes, I did.

Weniger - direct - Penza

5166

1 Q And what did you determine?

2 A I determined that in the Studies folder those images do
3 not reflect a scar where the appendectomy occurred.

4 Q And so what did that tell you?

5 A That told me that the scar -- that those photographs were
6 taken before the appendectomy surgery in 2007. I should add
7 that the appendectomy surgery occurred when Camila was 16
8 years old.

9 Q One second, Special Agent.

10 (Pause in proceedings.)

11 MS. PENZA: Your Honor, may I approach Special Agent
12 Weniger?

13 THE COURT: Yes, you may.

14 (Counsel approaches.)

15 BY MS. PENZA:

16 Q Special Agent Weniger, I'm showing you what are already
17 in evidence as Government Exhibits 530 and 518-F. Are you
18 familiar with these photographs?

19 A I am, yes.

20 Q And can you -- can you explain them and compare them,
21 please?

22 A Certainly, the photograph on the left is a nude image of
23 Camila and it does reflect -- when I say the photograph on the
24 left, it's Government Exhibit 530 and it reflects a scar on
25 her and on the lower right-hand side.

Weniger - direct - Penza

5167

1 Q And are you able to tell the date of that photograph?

2 A We do have it. I don't know it off the top of my head,
3 but I can tell you that it's a relatively recent photograph.
4 I believe 2017, 2018.

5 Q She's branded in that photograph; is that right?

6 A That's correct.

7 Q And then can you compare it with the other photograph?

8 A The photograph on the right which is Government Exhibit
9 518-F is the image -- one of the images that was shown to the
10 jury yesterday and it does not reflect a scar on her lower
11 abdominal region.

12 MS. PENZA: Your Honor, these photographs have been
13 redacted. May I ask permission to pass them around to the
14 jury?

15 THE COURT: And they're Exhibit Number?

16 MS. PENZA: 518-F and 530 with redaction tape.

17 THE COURT: Step up here.

18 (Counsel approaches.)

19 THE COURT: All right, you may show them to the
20 jury.

21 MS. PENZA: Thank you.

22 (Exhibits shown to jury.)

23 BY MS. PENZA:

24 Q Special Agent Weniger, I'm turning to the last topic now.
25 Showing you what's in evidence as Government Exhibit 1469.

Weniger - direct - Penza

5168

1 (Exhibit published.)

2 Q Are you familiar with this?

3 A Yes.

4 Q Okay. And can you just read the From and To in the
5 attachment?

6 A The From is Michele Saltzman. The To is Nancy Saltzman
7 and the subject is Jness KR Form 102412 for 10/24/12, part
8 two.

9 Q Special Agent Weniger, do you know what a Jness form is?

10 A Yes.

11 Q Can you explain briefly?

12 A It's a form typically where the defendant would come and
13 speak to a large group and questions would be asked to him and
14 of him and he would respond and answer.

15 Q And have you actually reviewed a video forum that
16 corresponds to this document?

17 A Yes.

18 Q A video forum from October 24, 2012?

19 A Yes.

20 Q So this is what appears to be a transcript of sorts.

21 A From that forum, correct.

22 Q I just want to read this portion. And this is -- when it
23 said K, based on your review of the video, would K correspond
24 to the defendant?

25 A Yes.

Weniger - direct - Penza

5169

1 Q I'm just going to read a portion here. "Now, understand,
2 women. Here's an interesting tidbit for you. Do you know
3 that that -- there is a certain percentage of women that when
4 they get raped they have orgasm even if they don't want it.
5 There are even some women, a few that I've spoken to,
6 counseled, that they never had an orgasm in their life until
7 they were raped."

8 A Yes.

9 Q And at the bottom on the same topic, "Don't you feel like
10 you should throw her out? Some guy who didn't even give any
11 damn about her came in did what you couldn't do, not even
12 caring about her? Maybe you even work hard to do that. You
13 feel totally insufficient, I think. I mean, one of the things
14 about men, that's our whole thing. We earn. We want to be
15 worthy, we want to be given the laurels. We want to be told
16 we are the champions. How do you do that? You have sex with
17 us.

18 "We beg, we beg all of our lives as little kids.
19 We're the ones who had to ask the women out on the date we are
20 the ones who get refused over and over again."

21 A Yes.

22 Q And I'm going to put up a portion that -- this
23 is Government Exhibit 1469.

24 (Exhibit published.)

25 Q If you could read the highlighted portion.

Weniger - direct - Penza

5170

1 A Sure. "I will tell you I've had in my past various
2 sexual experiences. I've had sexual experiences with women
3 that have had other partners. I have had other partners
4 myself and things like that and these things. When you really
5 love someone, if you really love a woman and she wants to be
6 with another man, it may sadden you and you may feel deeply
7 insecure, but you are going to say Let it be. If you care for
8 her and that is what she wants, do you really want to say, No,
9 you can't; I'm going to put you in your room? That's not
10 love. That's not love for her person. You have to let it go.
11 It is a moral imperative to let her go."

12 (Exhibit published.)

13 Q I'm now showing you what's in evidence as Government
14 Exhibit 1071.

15 A Yes.

16 Q Are you familiar with this?

17 A Yes, I am.

18 Q And this is -- what is the title of this?

19 A *The Human Experiment.*

20 Q And what does this say here?

21 A Level II-C.

22 Q Are you familiar with the different levels of curriculum
23 within NXIVM?

24 A Yes.

25 Q And can you just describe as an overview kind of the

Weniger - direct - Penza

5171

1 progression?

2 A Certainly. So, the kind of the Level I are the
3 intensives, the five-day and the 16-day. And as you move up
4 into Level II and beyond, the -- kind of the rhetoric and the
5 curriculum appears to become more misogynistic as well as
6 there seems to be a great deal of sexual overtones.

7 Q So just what was the name of this module within the human
8 experiment?

9 A *Sex, Rape and Orgasm.*

10 Q And can I just have you -- this says, "Rape as a metaphor
11 for orgasm"?

12 A Yes.

13 Q I'll actually have you read this portion. Can you read
14 this portion, please?

15 A Yes. "In the case of rape, it's the same thing. There
16 is the tension ultimately of being overcome, but release and
17 it is a sexual experience. In a sense, it's the very act of
18 sex. Most people feel inhibited during sex because they
19 believe it's bad and, therefore, do not reach orgasm during
20 the act of sex. Often, women who have that report an
21 unexpected experience of freedom which occurs during rape.
22 Women actually become hypersensitive to the sensation of sex
23 because the issue of it being bad or inappropriate does not
24 exist during rape; freeing them to achieve orgasm. It's
25 almost as though they don't experience their normal fears

Weniger - direct - Penza

5172

1 regarding sex which frees them to feel this sensation. This
2 is often a very confusing experience for them because they
3 don't want to like what is happening to them yet they have
4 orgasm.

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6 (Continued on the following page.)

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Weniger - Direct - Penza

5173

1 BY MS. PENZA (Continuing):

2 Q This is Module 9 from the Human Experiment.

3 Can you just read the top?

4 A The Human Experiment: Module 9. Abuse, rights, and
5 injury.

6 Q And can you -- it says here: Expert groups. Discuss the
7 following in three rounds: What is abuse? What does it mean
8 to abuse someone? Are all abuses against right? Why would
9 someone want to abuse babies? If someone comes from a country
10 where adults orally stimulate children and they find out
11 according to American culture they have been abused, have
12 they? Who did the abusing? Who is the injured party? Who
13 injured them?

14 Can you read this one?

15 A A person at age six had a sexual experience with three
16 adults, two male and one female, one of which was a priest
17 another was their parent, and the third was a neighbor. This
18 experience involved almost every time of sex and violence.
19 The person is now 50 years old with no physical effects.

20 Q Can you read what follows that?

21 A Number seven, how were they injured? Were they abused?
22 What if they enjoyed it, were they abused? What if they later
23 find out it was only a dream, were they still abused? When
24 does a hypothesis of past become abuse? What present data, if
25 any, is needed to support this?

Weniger - Direct - Penza

5174

1 Q I'm just going to have you read starting with the top of
2 the highlighted portion.

3 A If someone comes from a country where adults orally
4 stimulate children and they find out according to American
5 culture they have been abused, have they?

6 Answer, Yes.

7 Who did the abusing?

8 The abuser is our culture, our society.

9 Who is the injured party?

10 The person who suffered the abuse is the injured
11 party.

12 Where is the injury if an adult parent has sex with
13 a child and the child enjoys it?

14 The person who suffered the abuse is injured.
15 Parents are not supposed to have sex with children in our
16 society. If a parent does have sex with a child, it
17 undermines the societal definition of the parent. The child
18 will go forth and either never disclose it or live with the
19 fact that the parent is not a standard parent.

20 Q And then it says: Is this a problem? You have to think
21 this through.

22 A That's correct.

23 Q And then I'll go down to this portion.

24 Can you read starting here?

25 A Sure: Sex. An adult and a child are having sex. What's

Weniger - Direct - Penza

5175

1 the difference between the child feeling good about being
2 tickled and being stimulated?

3 Answer, One may say nothing, but there's a
4 possibility of disease transfer and pregnancy. This makes it
5 a slightly different act. In the case of pregnancy, it is a
6 profound act.

7 Q Can you continue?

8 A Is there anything wrong with feeling good through sex?

9 There is sex that involves disease transfer and no
10 procreation. There is also sex that minimally involves
11 disease transfer and no procreation. For example, an adult
12 manually stimulates the child. Should the child be allowed to
13 masturbate the adult? Should the adult be allowed to
14 masturbate the child?

15 Answer, These are things students have to think out
16 for themselves. We are raising the issues on how to think
17 about the issue and generate an opinion. Be careful as head
18 trainer not to give an opinion.

19 Q Special Agent Weniger, the last thing I'm going to show
20 you is two videos.

21 MS. PENZA: Mrs. Carby, can you please cue up
22 Government Exhibit 1005?

23 And Special Agent Weniger, are you familiar with
24 this video?

25 A Yes.

Weniger - Direct - Penza

5176

1 THE COURT: It's in evidence?

2 MS. PENZA: It is in evidence, your Honor.

3 Q Can you just describe -- the jury has seen this video
4 before, correct?

5 A Yes.

6 Q It was played during Sylvie's testimony?

7 A Correct.

8 Q Can you just explain briefly what the setting is?

9 A This is a Jness meeting, and it involves women of all
10 ages, to include what appear to be teenagers.

11 Q And there are also women who are DOS slaves in this
12 video?

13 A Yes, that's correct.

14 MS. PENZA: Mrs. Carby can you please play starting
15 at 29:22 -- sorry 12:58.

16 (Video plays; video stops.)

17 THE COURT: If you want, I can have the midmorning
18 break and then you can come back and play that.

19 MS. PENZA: I only have two videos and that's it for
20 testimony.

21 THE COURT: The audio can't be heard.

22 MS. PENZA: Understood, of course. I'm just letting
23 your Honor know this will be it for my testimony.

24 THE COURT: We'll take our mid-morning break. All
25 rise for the jury.

Weniger - Direct - Penza

5177

1 (Jury exits.)

2 THE COURT: You may stand down.

3 (Witness leaves the stand.)

4 THE COURT: I have a premotion conference to do
5 right now and we'll resume in ten minutes. We're bringing in
6 someone from IT to go over the availability of the audio.

7 MS. PENZA: Thank you, your Honor.

8 THE COURT: Thank you.

9 (Recess taken.)

10 THE COURT: Let's bring in the witness, let's bring
11 in the jury, let's go.

12 (Witness resumes the stand.)

13 THE COURT: About how long do you think the cross
14 will be?

15 MR. AGNIFILO: Less than an hour.

16 THE COURT: After that, I have another matter.
17 First, we have other things to do.

18 (Jury enters.)

19 THE COURT: Please be seated, everyone.

20 Ms. Penza, you may continue your examination.

21 MS. PENZA: Thank you your Honor.

22 Mrs. Carby, can we please play Government Exhibit
23 1,005 already in evidence starting at 12:58.

24 (Video plays; video stops.)

25 MS. PENZA: Thank you, Mrs. Carby.

Weniger - Direct - Penza

5178

1 BY MS. PENZA:

2 Q Special agent Weniger, this is Nancy Salzman speaking
3 here?

4 A Yes, it is.

5 Q She's reading from a piece of paper?

6 A She is.

7 Q Are you familiar with the process of how Nancy Salzman
8 would get the material for these Jness trainings?

9 A Yes.

10 Q Can you explain?

11 A The curriculum -- our understanding is the curriculum was
12 generated by virtue of what they would term "downloads" by the
13 Defendant. So, the Defendant would sit with Nancy Salzman and
14 sometimes others and essentially provide his thoughts on a
15 particular subject matter, and that information would be
16 either recorded and later -- would typically be recorded and
17 transcribed by Nancy Salzman or others and then placed into
18 the curriculum such as you have here.

19 Q It's the Defendant who is creating the curriculum
20 originally?

21 A That is correct.

22 Q For this specific video, were you able to determine --
23 were you able to actually review a different video that showed
24 this process?

25 A Yes.

Weniger - Cross - Agnifilo

5179

1 MS. PENZA: Mrs. Carby, may we show what's already
2 in evidence as Government Exhibit 1003, beginning at 29:22.

3 Q Sorry, before I start the video, do you know who was in
4 this video?

5 A The Defendant's depicted as well as I believe Nancy
6 Salzman, as well as I think Allison Mack is on Skype or
7 something similar to Skype, and Marianna.

8 Q Is that Allison Mack's voice we just heard at the very
9 beginning?

10 A Yes.

11 MS. PENZA: And Mrs. Carby, can we start at 29:22,
12 please?

13 (Video plays; video stops.)

14 Q Special Agent Weniger, is that consistent with the Jness
15 training that we just watched?

16 A Yes, it is.

17 MS. PENZA: No further questions.

18 THE COURT: Cross-examination.

19 CROSS-EXAMINATION

20 BY MR. AGNIFILO:

21 Q Good morning, Special Agent Weniger.

22 A Good morning, sir.

23 Q I'm going to ask you some questions. First, I know we've
24 been speaking through the trial, but I'm Marc Agnifilo, I'm
25 obviously representing Keith Raniere.

Weniger - Cross - Agnifilo

5180

1 I'm going to ask you some questions. If I ask you a
2 questions that's unclear to you, please feel free to ask me to
3 repeat it or put it differently. I'm happy to do that.

4 A Understood. Thank you.

5 Q Fair to say you saw a tremendous amount and you recovered
6 a tremendous amount of audio tapes and videotapes of Keith
7 Raniere speaking about various subjects, correct?

8 A That's true, yes.

9 Q And I think that you're the case agent, so you heard some
10 of the testimony in the trial that there were something like
11 2,000 modules of about two hours each, correct?

12 A Yes.

13 Q And fair to say only a small portion, probably less than
14 one-tenth of one percent, of everything that he said has been
15 played at this trial?

16 A That's true.

17 Q Now, incidentally -- and I'm just asking -- do you know
18 who that was speaking in that last videotape?

19 Do you know if it was Dani Padilla or Marianna or do
20 you not know?

21 A I was under the impress it was Marianna.

22 Q Fair to say you're not sure?

23 A I'm not certain.

24 Q Couple questions. I want to go back. I want to go sort
25 of through the order that you went through in the direct. And

Weniger - Cross - Agnifilo

5181

1 I'm going to only refer to things that are in evidence either
2 as Government Exhibit 1401, which I think is the oakhaven
3 e-mail account, or the box that we're talking about that was
4 recovered at Nancy Salzman's house, which is 204, and I think
5 the copy of the box is 204-A. So, I'm just going to ask you
6 some questions about certain things that are in those
7 materials.

8 You spoke a lot in the beginning of your testimony
9 yesterday about Canaprobe; do you remember all that stuff?

10 A Yes.

11 Q I'm going to show you -- this is 1401. It's a particular
12 page of 1401, ending 820.

13 MR. AGNIFILO: This is all in evidence, so we can
14 show it to the jury.

15 THE COURT: Okay.

16 MR. AGNIFILO: Thank you, Judge.

17 (Exhibit published to the jury.)

18 Q So, this is an e-mail from Richard Marier. And I think
19 you were saying yesterday Richard Marier is the principal of
20 Canaprobe?

21 A Yes.

22 Q And he's sending this to Clare and to the oakhaven
23 e-mail, and the oakhaven e-mail is Kristin Keeffe?

24 A That's my understanding.

25 Q And the date of this is March 11, 2009, at 12:14 p.m.,

Weniger - Cross - Agnifilo

5182

1 right?

2 A Yes.

3 Q Do you have an understanding that Canaprobe kind of came
4 onboard a little bit before this, like maybe January,
5 February, 2009?

6 A I think it actually may have been a little earlier than
7 that, 2008.

8 Q Do you know when in 2008, ballpark?

9 A I don't.

10 Q Here, what we have here is we have Marier, on behalf of
11 Canaprobe, sending this to Clare and to Kristin at her e-mail
12 address. And it looks like that they're doing certain
13 searches and there's an invoicing for that, correct?

14 A Yes.

15 Q So, we're going to look at some of the specifics. The
16 first one we're going to look at -- and this is from the box,
17 it's a copy -- let me give you a little more scope on this.
18 Here we go.

19 So, you saw a number of these general types of
20 reports, correct?

21 A Yes, sir.

22 Q For a variety of different folks, right?

23 A Yes, sir.

24 Q And this one is in particular for Rick Ross, who
25 testified at the trial here, right?

Weniger - Cross - Agnifilo

5183

1 A I believe Rick Ross Institute.

2 Q Right, Rick Ross Institute.

3 And I think what you said on direct examination
4 yesterday is you had reason to believe that a lot of the
5 information in these reports from Canaprobe was false.

6 A Yes.

7 Q So, I just want to go through this in a tiny bit more
8 detail.

9 First of all, on top it says: This is an interim
10 report from April 30, 2009.

11 Correct?

12 A Yes.

13 Q You understand this to be report from Canaprobe, correct?

14 A Yes, sir.

15 Q And just so the jury understands what's happening is
16 Canaprobe gets hired, and then Canaprobe is asked to do kind
17 of financial and background investigations into a number of
18 different people, right?

19 A That's my understanding, yes, sir.

20 Q And here's the report on Rick A. Ross Institute, and I
21 just want to go through some of the entries here.

22 What they are claiming is that the Rick A. Ross
23 Institute has bank accounts in Nassau, Bahamas; do you see
24 that?

25 A I see it, yes.

Weniger - Cross - Agnifilo

5184

1 Q In Monte Carlo, in Switzerland, another one in
2 Switzerland, Grand Cayman in Cayman Islands, Jersey, and then
3 in Hong Kong.

4 And I don't think the Jersey here is New Jersey,
5 it's a different Jersey, right?

6 A I'm uncertain.

7 Q That's all right.

8 Do you have every reason to believe that this
9 information is false, that the Rick A. Ross Institute does not
10 have bank accounts in Switzerland and all these other places?

11 A I don't know. I'm unaware.

12 Q Do you know, I mean -- when did you start being an FBI
13 agent? What year?

14 A 2011.

15 Q Do you know if in 2011 and after it was possible to even
16 get information out of Swiss banks?

17 A I don't know.

18 What I can say is that there was a point in time
19 where it was acknowledged by Clare Bronfman that the
20 information was not accurate.

21 Q At some point, I think you're aware, Clare Bronfman sued
22 Canaprobe, correct?

23 A Yes, sir.

24 Q In Quebec?

25 A Yes, sir.

Weniger - Cross - Agnifilo

5185

1 Q In the Province of Quebec, in Canada, correct?

2 A Yes.

3 Q And the nature of the suit was that Canaprobe was giving
4 false information in the reports that it was getting paid for,
5 correct?

6 A Yes, sir.

7 Q But here, we're talking -- so, this is specific to the
8 Rick Ross Institute. And what Canaprobe is telling NXIVM in
9 this report is that the Rick A. Ross Institute has all these
10 foreign bank accounts in these different locations, correct?

11 A That's what it appears.

12 Q Right, that's what it's saying. Okay.

13 This is part of the same, in the same box of
14 material.

15 (Exhibit published to the jury.)

16 Q Here, we have Richard Marier to Kristin and still talking
17 orders.

18 And we're talking now the spring of 2000; right --
19 may 25, 2009 rather, right?

20 A Yes, sir.

21 Q I think what you said yesterday is that the point of
22 contact, Clare Bronfman was paying the bill for Canaprobe;
23 right, that's what your investigation showed?

24 A That's what the e-mail accounts and the invoices
25 reflected.

Weniger - Cross - Agnifilo

5186

1 Q But the point of contact for Canaprobe was Kristin at the
2 oakhaven account, right?

3 A That's fair to say, yes.

4 Q And there's a lot of back-and-forth e-mail traffic
5 between Richard Marier and Kristin at the oakhaven account,
6 right?

7 A Yes. Occasionally, Clare Bronfman's account would also
8 be -- she would also be a recipient of e-mails, but only
9 occasionally.

10 Q So, it was -- as a general point of contact, it was
11 Kristin with an occasional e-mail to Clare, right?

12 A That's correct.

13 Q And fair to say -- tell me if this is a fair statement --
14 that when Clare was brought in, it usually tended to do with
15 an invoicing or some aspect of payment?

16 A That's fair, yes.

17 Q We're going to look at another Rick Ross Institute
18 report.

19 (Exhibit published to the jury.)

20 Q And here we have Rick Ross Institute, and then at the
21 bottom, about two-thirds of the way down, there's an
22 indication of a beneficiary, Ross Corp.; do you see that?

23 A Yes, sir.

24 Q So, what this is basically saying -- and we're not
25 talking about whether it's true or false at the moment, we're

Weniger - Cross - Agnifilo

5187

1 just saying what this report is reporting -- that the Rick A.
2 Ross Institute has an account in UBS in Jersey that is in the
3 name of Ross Corp.; do you see that there?

4 A Yes, sir.

5 Q Great. Thanks.

6 Then there's a follow-up. This is a report that
7 comes from Canaprobe to Kristin Keeffe by e-mail. It's from
8 October 1, 2009, and I'm just going to read a certain part of
9 it.

10 It says: Mr. Ross is currently and has, it appears,
11 at least since the early 2000s, been engaged in a cartel of
12 individuals who are laundering profits by removing them from
13 U.S. jurisdictions and secreting them in under unknown
14 tax-sheltered zones.

15 It goes on to say -- I'm now looking down here -- it
16 I'll read the whole thing.

17 Up until the late 1990s, Mr. Ross was in a poor
18 financial condition and heavily in debt. In 2001, Mr. Ross
19 founded his institute, which almost from its inception was
20 engaged in coerced deprogramming for which Mr. Ross was found
21 liable in civil actions.

22 Let me just stop there for a second. Just to be
23 clear, there's no indication that Mr. Ross is involved in
24 international money laundering, right?

25 A Again, I don't believe so. I don't have any evidence of

Weniger - Cross - Agnifilo

5188

1 that.

2 Q But that's what this report that's sent to Kristin is
3 telling her, that Canaprobe has found this international money
4 laundering being committed by Rick Ross. That's what the
5 report says.

6 A Yes.

7 Q And then down here, it says: Mr. Ross' background and
8 expertise as a cult deprogrammer appears to be merely a
9 fabrication and his expertise seems to be most profound as a
10 confidence man.

11 I think yesterday at one point you said on direct
12 examination that it seems like Kristin Keeffe at times is
13 paranoid.

14 A I said that there was a sense of paranoia within the
15 community.

16 Q Right.

17 A I think we were looking at a specific e-mail written by
18 Kristin Keeffe.

19 Q That's right. Let's look at this.

20 This is from October 1, 2009, and Canaprobe is
21 submitting to Kristin a report that says these things that we
22 just talked about, right?

23 A That's true.

24 Q So, just in terms of who we're talking about, we're
25 talking about Kristin Keeffe -- this is Government Exhibit

Weniger - Cross - Agnifilo

5189

1 1822. Let me see if I can find what I'm looking for here.

2 I think this is the part we talked about yesterday.

3 I just want to read the whole thing with you.

4 (Exhibit published to the jury.)

5 Q It starts at the bottom, from August 27, 2009, and it's
6 from Kristin to Keith; do you see that there?

7 A Yes, sir.

8 Q It says: Had a weird night. Got a little nervous for
9 three reasons. First, quote/unquote knocks wood painters
10 happened to be here --

11 Going to the next page.

12 -- beginning the 27th and going through the week.
13 Coincidence? They are painting the windows so they can study
14 everything in our house. They are doing 3 Flintlock too.
15 They started this morning.

16 Second, there are was a strange old man
17 quote/unquote walking by our house last night but with dress
18 shoes on. What was weird too was how he never looked at
19 Gaelyn and I. We were in the front yard and being really
20 noisy. I've never seen him before, and I know all the
21 neighbors by sight. I then even drove my car by him and
22 slowed it to look at him, and he didn't turn his head to look
23 at me.

24 Also, yesterday there was a big black pickup in
25 front of our house. It looked like he was taking a phone

Weniger - Cross - Agnifilo

5190

1 camera picture. I immediately went outside and he kept
2 explaining and explaining and explaining how he was lost. I
3 thought he went way overboard.

4 Last night, I slept with the lights on, the interior
5 doors open, and all the windows shut. I had nightmares of
6 people trying to get in until about 3 or 4 a.m.

7 How's it going there?

8 This is from Kristin to Keith, correct?

9 A Yes.

10 Q This is the same Kristin that's getting all these e-mails
11 from Canaprobe, so let's go through a little bit more of these
12 e-mails.

13 At one point yesterday, I think you talked about
14 Carlos Rueda; do you remember?

15 A Yes, sir.

16 Q Do you remember who he was?

17 A A psychiatrist that was cited in some articles that
18 were -- cited in some articles that negatively sort of showed
19 the defendant and NXIVM. Also, if I recall correctly, he saw
20 some people who had left the NXIVM community as patients.

21 Q And, so, this is a report from Canaprobe sent to Kristin
22 on August 10, 2009, and it's in regard to this person that you
23 just referred to, Carlos Rueda, correct?

24 A Yes, sir.

25 Q And it has some account information here. Safra Bank,

Weniger - Cross - Agnifilo

5191

1 you see that here, Safra Bank with a bank account number?

2 A Yes.

3 Q And that's Safra Bank New York, then there's another,
4 Safra Bank Luxembourg. And the account beneficiary that
5 Canaprobe sends to Kristin Keefe for Carlos Rueda is Rick
6 Ross, right?

7 A Yes, sir.

8 Q So, here is Canaprobe sending information to Kristin
9 Keefe that this person, Carlos Rueda, who, as you said, was
10 critical in some articles of NXIVM, has this financial
11 relationship in the form of an account beneficiary with Rick
12 Ross; right, that's what this says?

13 A It does, yes.

14 Q And, again, you have no reason to believe that's true.

15 A I don't.

16 Q You don't have any reason to believe that Rick Ross
17 has -- is an account beneficiary in a Safra Bank Luxembourg
18 account to Carlos Rueda, correct?

19 A I know we just never took that next step in identifying
20 and actually trying tracking down the...

21 Q Right. You can't say it's false because you're saying
22 you didn't investigate it yourself, right?

23 A Yes, sir.

24 Q Also, you have no indication that Rick Ross has any --
25 being the case agent in this case, you have no indication that

Weniger - Cross - Agnifilo

5192

1 Rick Ross has any financial relationship of this nature with
2 Carlos Rueda, correct?

3 A That's correct.

4 Q Another person that Canaprobe sends a report to Kristin
5 on is Frank Parlato, right?

6 A Yes.

7 Q Another person is Senator Charles Schumer, right?

8 A Yes, sir.

9 Q And, again, just so it's clear, there's no indication, in
10 fact, that sitting Senator Schumer has bank accounts at UBS
11 Geneva, UBS in the Bahamas, UBS in Luxembourg, UBS in Hong
12 Kong, UBS in Panama, Safra Bank in Geneva, Safra Bank in
13 Luxembourg, Safra Bank in the Bahamas, there's no indication
14 of any such -- other than this report, there's no indication
15 that anything like that is remotely true, right?

16 A I simply don't know.

17 Q But what we know is that Canaprobe is sending Kristin
18 Keefe this information in this report about Senator Schumer.

19 A Yes.

20 Q Peter Skolnik, was Peter Skolnik Rick Ross' lawyer in the
21 civil litigation?

22 A That's my understanding, yes, sir.

23 Q So, here's a report from Canaprobe sent to Kristin about
24 Peter Skolnik. And what we see here, the account beneficiary
25 is Rick Ross.

Weniger - Cross - Agnifilo

5193

1 So, what Canaprobe is telling Kristin Keeffe is that
2 Rick Ross' lawyer Peter Skolnik is in a financial relationship
3 with Rick Ross in the form of this bank account that's in
4 Euros with the beneficiary being Ross Corp., correct?

5 A It appears so, yes.

6

7 (Continued on the following page.)

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Weniger - cross - Agnifilo

5194

1 BY MR. AGNIFILO: (Continuing.)

2 Q Now, at one point in the records that you reviewed, did
3 you see sort of a breakdown, you know, sort of a table made
4 either by Kristin or by somebody else that was in these
5 records?

6 A Are you referencing the e-mail accounts or are you
7 referencing the box or --

8 Q In the box, and I think it was also in the e-mail
9 account?

10 A I do recall --

11 Q Okay.

12 A -- this and there were a number of spreadsheets and
13 tables just like you referenced.

14 Q Okay. Just for the sake -- because it's easier to go
15 through it all.

16 (Exhibit published.)

17 Q So, here, Birthright Holdings. Birthright Holdings, was
18 that believed to be -- well, let me back up a second.

19 Edgar Bronfman is associated with something called
20 Birthright; is that right?

21 A Yes.

22 Q Remind the jury a little bit about that.

23 A I don't have a full understanding, but I think it's in
24 relation to young people in the Jewish community that are in
25 the United States to have an opportunity to go back to Israel.

Weniger - cross - Agnifilo

5195

1 That's my understanding, but I could be wrong.

2 Q That's fine.

3 A And I think the charity is set up to allow that to
4 happen.

5 Q Got it. What we see here is that the account beneficiary
6 Birthright Holdings has a benefactor, according to Canaprobe,
7 of Rick Ross; right?

8 A Yes.

9 Q So what this would suggest to anyone receiving it, like
10 Kristin Keefe, is that Edgar Bronfman has this connection,
11 financial connection, to Rick Ross; right?

12 A It would appear so.

13 (Exhibit published.)

14 BY MR. AGNIFILO:

15 Q And then there are a number of other individual things
16 listed here; Birthright Holdings, you see the beneficiary is
17 Ross Corp.; Birthright Holdings, Ross Corp. There's a number
18 of these. Go to the next page. Joe O'Hara is someone that we
19 discussed during the course of the trial; right?

20 A Yes, sir.

21 Q And remind the jury again, who is Joe O'Hara?

22 A Joe O'Hara at one point was a contractor for NXIVM. He
23 left at a certain point and -- not on amicable terms, on poor
24 terms.

25 Q Got it. And one of the things that Canaprobe told

Weniger - cross - Agnifilo

5196

1 Kristin Keefe in the form of these reports and that sheet is
2 that Joe O'Hara has a financial relationship to Rick Ross;
3 right? That's what this table indicates.

4 A Yes, sir.

5 Q We talked about Mr. Rueda earlier; correct?

6 A Yes.

7 Q And here in the table it indicates that Rueda has a
8 financial relationship with Rick A. Ross in that Luxembourg
9 bank account and Ross Corp. in Geneva; correct?

10 A Yes.

11 Q And Skolnik has a financial relationship with Rick A.
12 Ross and Ross Corp.; correct?

13 A That's --

14 Q Accord to go this information.

15 A Yes.

16 Q I think you said it -- is it District Attorney Soares?
17 Am I saying it the right way?

18 A I don't know. He was the Albany County district
19 attorney.

20 Q Soares, I'm not sure how to say it myself, is listed
21 here. He's listed as one of the people that Canaprobe sent a
22 report on; correct?

23 A He's listed in this chart and information requested was
24 listed.

25 Q And so what Canaprobe indicated was that he has a

Weniger - cross - Agnifilo

5197

1 financial relationship with Ross Corp. as well; right?

2 A Yes.

3 Q I think you mentioned Mr. Touretzky yesterday in your
4 direct testimony. Do you remember that?

5 A Yes, sir.

6 Q And just remind us who that was again?

7 A He was a professor, I think, at Carnegie Mellon at one
8 point. He's written some critical material on NXIVM and the
9 defendant.

10 Q What Canaprobe is telling Keefe is that Touretzky has a
11 relationship with Rick A. Ross Holdings in Luxembourg; right?

12 A Yes.

13 Q Now, the box that was found as Nancy Salzman's house, it
14 had a number of handwritten notes in it; right?

15 A It did, yes.

16 Q Did you have reason to believe that those were Kristin
17 Keefe's notes?

18 A If you're referencing one in particular -- I do think
19 that there was material in the box that was Kristin Keefe's.

20 Q I'm going to show you some individual ones and my
21 question for you is whether you think that it's Kristin
22 Keefe's.

23 (Exhibit published.)

24 Q And, again, this is all from the box that was recovered
25 from Nancy Salzman's house. It's just one particular page.

Weniger - cross - Agnifilo

5198

1 Did you ever -- take a look at it.

2 A (Reviewing.)

3 Is there more to the document, sir?

4 Q I can -- is that too small? Can you read that okay?

5 A No. That's perfect.

6 Q Okay.

7 A (Reviewing.)

8 Okay.

9 Q And, fair to say in the materials that were in this box
10 were many, many, many pages of handwritten notes; correct?

11 A That's right.

12 Q Okay. And this is just one such page of maybe hundreds
13 of pages of handwritten notes?

14 A There was a lot.

15 Q And here -- you'll agree with me, here there's a
16 reference to, it looks like, Marier, Richard Marier?

17 A Yes.

18 Q And there's a reference to Michael Sutton; right?

19 A Yes, sir.

20 Q And these are notes, "Do we want to hire Marier for any
21 of our cases?" Do you see that there?

22 A Yes.

23 Q "What can O'Hara do or give to the authorities?" Do you
24 see that?

25 A Yes.

Weniger - cross - Agnifilo

5199

1 Q "Follow up with Bob." Do you see that?

2 A Yes.

3 Q And do you know if there was a lawyer for NXIVM at the
4 time named Bob Crockett?

5 A Yes.

6 Q And then here there's, "Ask Nancy, Lauren, Karen, Dawn,
7 Kathy, admin, everyone, about these records." Do you see all
8 of that there?

9 A Yes.

10 Q And I'm just going to go to the next page.

11 (Exhibit published.)

12 BY MR. AGNIFILO:

13 Q You should feel free to read any of this you like. I'm
14 going to direct your attention just to a couple of things.

15 A Should I --

16 Q If there's something else that catches your attention and
17 you want to say something about it, that's fine too, but I'm
18 just going to ask you the highlighted parts.

19 A (Reviewing.)

20 Okay.

21 Q So, here, I mean, "What about subpoenas, hedge funds in
22 New York that was in touch with O'Hara, depose them about
23 Ross? Ask FU e-mails or records." Do you see that there?

24 A Yes.

25 Q Here it says, "Get Verizon subpoena and letter production

Weniger - cross - Agnifilo

5200

1 of Ross calls"; correct?

2 A Yes.

3 Q And then, "Subpoena Fed Ex, DGL, UPS for shipments by
4 Ross"; right?

5 A Yes.

6 Q Do you have an opinion as to whether this is Kristin
7 Keefe's writing?

8 A I can tell you I don't know. There were certain e-mails
9 in the box related to Keith and she did appear to have control
10 of some of the documents in the box.

11 Q Because there many, many of the Oak Haven e-mails in the
12 box; correct?

13 A Yes and I think there was also handwritten notes related
14 to Gaelen.

15 Q And just to be clear, Kristin and Keith have a child,
16 Gaelen?

17 A Yes.

18 THE COURT: Say that again.

19 Q Kristin and Keith Ranieri have Gaelen and I think you
20 said that's your understanding?

21 A Yes.

22 (Exhibit published.)

23 Q And here I think that we have reference to Interfor
24 Productions. Do you see that there?

25 A Yes.

Weniger - cross - Agnifilo

5201

1 Q And then I think the reference to, "Check with Kathy.
2 When did we have trouble with the WA IRS?" Do you know if
3 that stands for Washington state?

4 A Yes, I think it was discussed during the trial.

5 Q And, so, fair to say there's ongoing notes, handwritten
6 notes of different things, legal things, you know, related to
7 Rick Ross and the Suttons and other legal matters that are in
8 handwriting that are in this box that was recovered from Nancy
9 Saltzman's house?

10 A That's fair to say.

11 Q Was there anything in the box that indicated that, aside
12 from the fact that it was inside Nancy Saltzman's house, that
13 it was Nancy Saltzman's stuff in the box?

14 A Not that I can recall, but I will say that I haven't kind
15 of been back in there for a little bit of time.

16 Q Now, at some point Kristin Keefe left the community?

17 A She did.

18 Q And she took Gaelen with her?

19 A Yes.

20 Q And do you know if when she left the community she just
21 left the box at Nancy's house?

22 MS. PENZA: Objection.

23 THE COURT: Sustained.

24 BY MR. AGNIFILO:

25 Q Your investigation led you to conclude that much, if not

Weniger - cross - Agnifilo

5202

1 all, of the stuff in the box was Kristin's; correct?

2 A I don't know if I can fairly say that. I can say that
3 she was on the e-mails and Gaelen was referenced in the note.
4 I will also say she was a legal liaison for NXIVM for a period
5 of time.

6 Q And did you reach a conclusion that of the handwritten
7 notes that are in the box they were written by the same
8 person?

9 A I did not reach a conclusion.

10 Q Did you reach a conclusion that it was more than one
11 person?

12 A Frankly, I don't -- I would have to kind of look. I
13 wasn't looking for that.

14 Q Fair enough. I'm just going to look at a few more
15 handwritten entries and we're just taking a small sample of
16 everything that's in the box.

17 (Exhibit published.)

18 BY MR. AGNIFILO:

19 Q Here on top it's the Sunday, December 26th. It doesn't
20 have a year. "Work log seven hours." It says, "Review
21 Crockett memo again"; right?

22 A Yes.

23 Q And then down here it says "Two hours writing up response
24 to Bob's memo, get computer fixed"; right?

25 A Yes.

Weniger - cross - Agnifilo

5203

1 Q Does it seem to be the same handwriting as the other
2 handwriting that we've looked at? I can show you
3 representative samples. I know you're not a handwriting
4 expert. I'm really asking for your opinion.

5 A They do look similar.

6 Q There's a handwritten entry asking if somebody knows
7 Roger Stone. Do you see that?

8 A Yes, sir.

9 Q A handwritten entry, "Where do the Suttons live in
10 Florida"?

11 A I can't read that bottom.

12 Q I think it says, "Where do the Suttons live in Florida
13 compared to Rick Ross phone records?"

14 A Okay.

15 (Exhibit published.)

16 BY MR. AGNIFILO:

17 Q More stuff about Rick Ross and then we're going to move
18 on to something else in a little bit.

19 "Ross called somebody many, many times." Do you see
20 that there. It looks like Jeff Jacobson possibly?

21 A Yes.

22 Q "What about all of Ross' KY calls? Who is this person
23 with these phone numbers?" Do you see all that there?

24 A Yes.

25 Q Okay. "Subpoena Ross' AZ phone," Arizona phone, right?

Weniger - cross - Agnifilo

5204

1 A Yes.

2 Q All right. Now, also in the box there are e-mails to
3 Kristin from this -- it seems like an investigation company
4 called Pallorium. Do you remember seeing these?

5 A I do.

6 Q And did you have any understanding of what Pallorium did
7 or what their involvement was with Kristin Keefe?

8 A I believe in the e-mail address reflects the last name
9 Rambam. Steve Rambam -- I believe Steven Rambam is a private
10 investigator and -- I apologize, your specific question?

11 Q That's okay. That was exactly it. You know, did you
12 have -- did you have familiarity with Pallorium and you said
13 Steve Rambam was a private investigator for Pallorium?

14 A Correct, and did work for NXIVM.

15 Q Correct. And, so, here is Steve Rambam from Pallorium
16 sending an e-mail Kristin Keefe; right?

17 A Yes.

18 Q And this seems to be in regard to the situation of the
19 woman who went missing in Alaska; right?

20 A Yes.

21 Q Okay. And we have Kristin Keefe being in contact with
22 Pallorium and Pallorium, in the form of Steve Rambam, writing
23 back saying, "Public records, research, media research,
24 contact with detachment AST," whatever that is, "draft letter
25 to Anchorage Police Department, calls to state troopers,

Weniger - cross - Agnifilo

5205

1 called to Soares, police departments." All of these different
2 tasks that Pallorium seems to be doing and reporting back to
3 Kristin Keefe on; correct?

4 A Yes.

5 Q And then we have another Steve Ramdam e-mail to Kristin
6 Keefe from October 15, 2009 and it's basically -- Ramdam is
7 advising that during October 8, 2009 to October 12, 2009 an
8 investigation was conducted in Key West, Florida, mentioning a
9 few places. "This investigative activity was conducted in
10 order to pursue specific leads provided by you to this office
11 indicating that Kristin Snyder, possibly using the alias Kaye
12 Snyder, recently received mail or packages at this USPS
13 location and that Kristin Snyder was a possible holder of
14 lockbox or another post off box at this location." Correct?

15 A That's what it says, correct.

16 Q And, so, this is basically Kristin having e-mail
17 correspondence with Steve Ramdam in regard to the Kristin
18 Snyder situation; correct?

19 A Yes.

20 Q And these different leads that it seems like Kristin is
21 directing Ramdam to take; correct?

22 A It's not clear from the e-mails where the direction is
23 coming from. Obviously the results are coming back to Kristin
24 Keefe.

25 Q All right. One more of these Ramdam e-mails. There's --

Weniger - cross - Agnifilo

5206

1 Ramdam says that, "As discussed on 8 October 2009, an attempt
2 was made to conduct investigations and interviews at the
3 'Caribbean guest house' in Key West, Florida." Right? And
4 that's Ramdam to Kristin Keefe; correct?

5 A I think I actually discussed this a little bit yesterday
6 in terms of the -- the message or the e-mail back and forth
7 with Keith in regards to the resort-hopping -- I think they
8 referenced the resort-hopping friend.

9 Q Right.

10 A And I suspect that they may have been referencing Kristin
11 Snyder.

12 Q More investigation. It seems to be the same subject, but
13 this time in Palm Springs, California?

14 A Yes, sir.

15 (Exhibit published.)

16 BY MR. AGNIFILO:

17 Q Okay. Now, one of the things that was in the box that
18 you found at Nancy Salzman's house was this document, which is
19 in evidence as part of that exhibit. This is an affidavit
20 from Michael Sutton and I'm just going to read portions of
21 this to you. It says, "Michael Sutton being duly sworn
22 deposes and says" --

23 THE COURT: I'm sorry.

24 MS. PENZA: Objection, Your Honor.

25 MR. AGNIFILO: It's in evidence.

Weniger - cross - Agnifilo

5207

1 THE COURT: I have a question.

2 MR. AGNIFILO: Sure, Judge.

3 THE COURT: Is this an executed affidavit?

4 MR. AGNIFILO: No, I'm going to get -- it's not.

5 It's not. It was in Kristin Keefe's box.

6 THE COURT: If you are going to speak to it, you
7 need to say there is no county indicated and he did not sign
8 it if he did not sign it.

9 MR. AGNIFILO: That's fine.

10 THE COURT: This is a draft.

11 MR. AGNIFILO: Okay.

12 THE COURT: I did not hear the word "draft."

13 MR. AGNIFILO: Okay, Judge. I am going to get to
14 the whole thing, I promise.

15 THE COURT: No, no. I want to start with what it is
16 and make clear what it is not and then you can read it. Read
17 it if you like.

18

19 (Continued on the following page.)

20

21

22

23

24

25

Weginer - cross - Agnifilo

5208

1 (Continuing.)

2 MS. PENZA: Your Honor, the Government does not want
3 it offered for the truth of Michael Sutton's statements.

4 THE COURT: Well, if it is a draft, it doesn't mean
5 anything in terms of the truth because he is not verifying it
6 to be true, so we should not be discussing it in that context.

7 MR. AGNIFILO: Very good, Judge.

8 THE COURT: If you want to read the draft that was
9 in the file, you can do that.

10 MR. AGNIFILO: Thank you, Judge.

11 THE COURT: Sure.

12 EXAMINATION CONTINUES

13 BY MR. AGNIFILO:

14 Q So this is the third page, right?

15 Let me just show you the whole thing and then we'll
16 talk about it.

17 A Yes, sir.

18 Q This is the cover. This is the first page.

19 (Exhibit published.)

20 Q All right, and it's in regard to NXIVM Corporation
21 against The Ross Institute, correct?

22 A Yes, sir.

23 Q All right. And then there is a second page.

24 (Exhibit published.)

25 Q Do you see the whole thing there?

SAM

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Weginer - cross - Agnifilo

5209

1 A Yes.

2 Q And then there is a third page, and that is the entirety
3 of this document, correct?

4 A It appears so, yes.

5 Q And this was in the Kristin Keeffe box, correct?

6 A I think -- I mean I'm assuming you're right. I don't
7 specifically recall this document.

8 Q Okay.

9 And so what it says is: I am the son of defendants
10 Morris and Rochelle Sutton, the Suttons. My family, the
11 Suttons, are prominent members of the Orthodox Sephardic
12 Jewish communities of Brooklyn, New York and Deal, New Jersey.

13 The Sephardim first emigrated to New York from the
14 Middle East, Syria in the early 1900's. In 1935 the head
15 rabbis of our community passed a declaration known as The
16 Edict. The Edict is a rabbinical threat of complete
17 religious, familial and social non-acceptance of a marriage
18 and/or a child born outside of the community. To my
19 knowledge, no other Jewish community in the world has such an
20 extreme rule. The Edict has been affirmed by the leading
21 rabbis of every generation of our community from 1935 through
22 2000 -- through to 2006.

23 At the time I was introduced to NXIVM, I was a
24 partner and vice president at Lollytogs, an international
25 clothing manufacturing conglomerate headquartered in New York

Weginer - cross - Agnifilo

5210

1 City founded by my father, Morris Sutton. Also at this time
2 my daughter, whom I had secretly fathered outside the
3 Sephardic community with my non-Jewish former girlfriend,
4 lived with me part-time and was supported by me. I informed
5 my parents of my love for my daughter and my desire to spend
6 time with her and be the best father I could be. My father
7 expressed a strong disagreement with my decision. The stress
8 of living double lives and the guilt of hiding a daughter I
9 adore put me in a state of poor physical and mental health.

10 Noticing my decline, a friend recommended me to a
11 NXIVM training as a resource to help me resolve my conflicts.
12 I applied for and took a NXIVM three-day training course and
13 discovered that NXIVM's courses are designed to build ethics
14 and honesty in both individuals and the workplace. I enjoyed
15 the classes and became an avid student. Not long after, my
16 health and outlook on life improved and I began to publicly
17 disclose that I had a non-Jewish daughter. My father refused
18 to recognize his granddaughter. He insisted I pay off my
19 daughter's mother and never see her or my child again. I
20 refused.

21 I, in turn, informed him of my decision to leave the
22 family business, that I would be pursuing other business
23 ventures, including a more enhanced level of participation
24 with NXIVM. My father would not accept this. A son born
25 within our community is groomed his whole life to take his

SAM

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Weginer - cross - Agnifilo

5211

1 place within his father's business. The loss of my respect --
2 the loss of respect -- I'm sorry -- the loss of respect my
3 father felt that I -- that I and the family would engender as
4 a result of my decision was completely intolerable to him. He
5 blamed NXIVM and threatened to use his considerable resources
6 to destroy NXIVM if I did not change my mind.

7 As part of this effort, defendant Rick Ross was
8 hired by my parents. On several occasions he requested from
9 me copies of NXIVM's confidential program materials. I
10 informed him that the materials were confidential and that I
11 could not provide that to him.

12 My half-sister is defendant Stephanie Franco.
13 Stephanie informed me that she would like to attend the NXIVM
14 training. I was thrilled, believing her support could win
15 over the rest of the family and change my parents' minds about
16 my non-Sephardic child and support my decision to leave the
17 family business.

18 At the time, I believed Stephanie worked solely as a
19 social worker in private practice and as a part-time professor
20 at Rutgers University. I was not aware, nor did Stephanie
21 inform me, of her position as a corporate trainer with NXIVM
22 competitor with Taibi Kahler Associates. Had I known this, I
23 would not have and could not have, cosigned to endorse any of
24 Stephanie's enrollment contracts for NXIVM's programs given
25 their strict noncompete and confidentiality clause.

SAM

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Weginer - cross - Agnifilo

5212

1 Right, that's what this says?

2 THE COURT: Is there a question?

3 MR. AGNIFILO: What's that?

4 THE COURT: Is there a question for the witness?

5 MR. AGNIFILO: Yes, Judge. Yes.

6 BY MR. AGNIFILO:

7 Q And now, you had some familiarity with the Ross
8 litigation, correct?

9 A A minimal amount, yes.

10 Q Okay. And you heard -- and you heard Rick Ross testify,
11 right?

12 A I definitely heard some of his testimony.

13 Q And one of the things that he testified to was that, in
14 fact, Michael had this situation with a child who was born of
15 a woman not in the Sephardic community, right?

16 A Yes.

17 Q And one of the things he testified to --

18 MS. PENZA: Objection, Your Honor.

19 THE COURT: Overruled.

20 Next.

21 BY MR. AGNIFILO:

22 Q -- was that his sister, Stephanie Franco, had provided
23 the materials from the NXIVM training course, correct?

24 A Yes.

25 Q And that was the subject of the lawsuit, right?

Weginer - cross - Agnifilo

5213

1 A That was, I think, one factor in the lawsuit, yes. One
2 issue.

3 Q One of the things in the box found at Nancy Salzman's
4 apartment -- house, rather, is this letter from the attorneys
5 Tompkins Maguire.

6 Do you see that there?

7 (Exhibit published.)

8 A Yes.

9 Q Before we go to that, have you ever seen the signed
10 affidavit that we reviewed?

11 A Just a moment ago?

12 Q Yes.

13 A I don't -- I don't believe so.

14 Q No, okay. All right, do you know if that affidavit was
15 signed by --

16 MS. PENZA: Objection.

17 THE COURT: You may answer.

18 A I don't know, I'm uncertain.

19 Q Have you ever looked in the case file at Document 137 --

20 MS. PENZA: Objection.

21 THE COURT: Is this in evidence?

22 MR. AGNIFILO: It's not in evidence, but it's on Pacer.

23 MS. PENZA: Your Honor, may we have a sidebar, please?

24 (Sidebar held.)

25 (Continued on the following page.)

Sidebar

5214

1 (The following sidebar occurred outside the hearing
2 of the jury.)

3 THE COURT: All right, I am not allowing Mr. Sutton
4 to testify by affidavit. So that is where we're going.

5 Get on to the next matter. I am not allowing it.
6 It is not happening. So just get going.

7 MR. AGNIFILO: All right.

8 (Sidebar concluded.)

9
10 (Continued on the following page.)
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SAM

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RPR

Weniger - cross - Agnifilo

5215

1 (In open court - jury present.)

2 EXAMINATION CONTINUING

3 BY MR. AGNIFILO:

4 Q So this letter from Tompkins Maguire makes reference to
5 certain subpoenas.

6 Do you see that, there?

7 A Yes, sir.

8 Q And do you know if these were subpoenas for Rick Ross'
9 Verizon Communications cellphone, T-Mobile and other
10 cellphones, cellphone data?

11 A I don't recall specifically.

12 Q And this is, again, from the box that we've been talking
13 about.

14 This is the case we're talking about, the NXIVM
15 against Morris Sutton, Rochelle Sutton case, correct?

16 A Yes, sir.

17 Q Okay. And you see subpoena to produce documents,
18 correct?

19 A Yes.

20 Q To Verizon in this case, Verizon Communications?

21 A Yes, sir.

22 Q Okay. Do you know if NXIVM got Rick Ross' cellphone data
23 from a subpoena?

24 A I don't know definitively. I can say that there were
25 phone records in -- in the box. I don't recall if they were

Weniger - cross - Agnifilo

5216

1 Mr. Ross' or not.

2 Q Not a problem.

3 Fair to say inside the box was a number of documents
4 related to the Kristen Snyder disappearance in Alaska,
5 correct?

6 A Yes.

7 Q And one of them was this.

8 (Exhibit published.)

9 BY MR. AGNIFILO:

10 Q And this is a portion of what seems to be a document
11 filed in connection with that missing person's file?

12 A Could you just give me one moment? I'm sorry.

13 Q Take your time. Take your time. Let me zoom in a little
14 so you can see it easier. Here you go.

15 (Pause.)

16 A Yes, sir, sorry about that.

17 Q That's all right.

18 All right; so, basically, this seems to be a page of
19 a report from the missing person's file in the Alaska case
20 with Ms. Snyder, correct?

21 A Yes, sir.

22 Q And it discusses here that there was -- you know, she was
23 acting in a -- I'm just going to read part of it.

24 At approximately 7:00 p.m. her roommate/domestic
25 partner, Heidi Clifford, concerned because of Ms. Snyder's

Weniger - cross - Agnifilo

5217

1 recent bizarre behavior, discussions of suicide, laying in
2 snow to kill herself, contacted the Anchorage Police
3 Department to report Ms. Snyder missing. Ms. Clifford also
4 contacted a friend of Ms. Snyder, Kenneth Powers, and they
5 began a search of the Anchorage area. Ms. Snyder's vehicle
6 was located near Miller's Landing in Seward, Alaska at
7 2120 hours on February 7th, 2003. A note inside the vehicle
8 indicated that Snyder was planning to commit suicide, ending
9 with quote, "No need to search for my body," end quote.

10 On the morning of February 8th, 2003 Miller's
11 Landing Resort personnel discovered a storage shed containing
12 kayaks and gear had been broken into and an old kayak was
13 missing. The storage shed was close to where Snyder's vehicle
14 was located. On February 8th, 2003 and February 9th, 2003 a
15 large search effort was conducted in and around Resurrection
16 Bay. The search consisted of Alaska State Troopers, Seward
17 Area Fire, EMS volunteers and the U.S. Coast Guard, Forest
18 Service law enforcement, the Seward Police Department, Civil
19 Air Patrol and friends of Snyder, many of whom are part of an
20 organized search and rescue team as part of the Nordic Ski
21 Club. After two full days of active searching, no sign of
22 Ms. Snyder was located. CAP flight was accompanied on 2/4/03
23 with negative results.

24 Right, that's what this says?

25 A Yes.

SAM

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RPR

Weniger - cross - Agnifilo

5218

1 Q And did you find in the box all sorts of documents
2 related to this situation?

3 A Yes.

4 Q For instance, there was a document that had to do with
5 the high and low tides in Resurrection Bay in those materials?

6 A Yes.

7 Q Okay.

8 A I think that was part the police file.

9 Q Right, right, right.

10 And it seemed like the -- a large portion, if not
11 all, of the police file was in these materials, correct?

12 A Yes. We -- we, ultimately, did get the entire file, but
13 it was -- the vast majority of the documents from the file
14 that the Alaska State Police had were also in that box.

15 Q And I think on -- I think during the Government's direct
16 case there was evidence of someone named Alana Chenoa
17 traveling over the border from the United States on Christmas
18 Eve 2004?

19 A Ashana Chenoa.

20 Q I'm sorry, Ashana Chenoa, right?

21 A Yes.

22 Q Was there any indication that Kathy Russell crossed the
23 border based on any official records?

24 A There was an indication based upon her credit card
25 statements that she traveled to the -- the border.

Weniger - cross - Agnifilo

5219

1 Q Right. And there's -- there's a credit card purchase in
2 a town in the United States not too far from Rochester,
3 correct?

4 A I'm sorry, say that one more time.

5 Q Sure. I think there's a credit card purchase from a
6 place called Clifton Springs, New York?

7 A Yes, sir.

8 Q And Clifton Springs, New York, tell me if this is right,
9 is sort of on Route 80 on the way to Buffalo, but in New York
10 State?

11 A It's on the high -- off the highway, I'm not quite sure
12 which --

13 Q Right.

14 A -- but it's the route out -- out to Niagara Falls.

15 Q Right.

16 And now, the document that you had for Ashana Chenoa
17 showing that she crossed the border on New Year's eve, 2004,
18 do you remember what kind of document it was?

19 A It was -- well, I'm not quite sure what kind of document.
20 We received that information from Immigration and Homeland
21 Security Investigation.

22 Q Okay. And did you receive any similar document for Kathy
23 Russell?

24 A No.

25 Q Now, in addition to the Kathy Russell credit card report

Weniger - cross - Agnifilo

5220

1 putting her in Clifton Springs on Christmas Eve 2004, there
2 was also records indicating that Kristin Keeffe was in -- in
3 the Niagara Falls area on Christmas Eve, 2004, is that
4 correct?

5 A That's correct; yes, sir.

6 Q And I am going to show you -- this is the way we got it.

7 (Exhibit published.)

8 BY MR. AGNIFILO:

9 Q All right, hold on. Let me see if I can zoom in there a
10 little bit. Hold on.

11 All right, do you recognize these documents?

12 A Yes, sir.

13 Q Okay.

14 A I've seen them.

15 Q And these are -- these are things that you uncovered as
16 part of your investigation, correct?

17 A They were things that I saw during the course of my
18 investigation, yes.

19 Q Right. And here (indicating) it appears -- it appears
20 that these are similar receipts, and this one is a little bit
21 easier to read, so I am going to read this one first then
22 we'll go to the other one.

23 This is a Niagara Falls Days Inn Denny's Restaurant
24 in Niagara Falls, correct?

25 A Yes.

Weniger - cross - Agnifilo

5221

1 Q And the date on this one is -- it's -- do you know who
2 wrote that in?

3 A 12/19, I do not.

4 Q I think it's 12/29.

5 A I'm sorry.

6 Q Okay.

7 A I'm sorry.

8 Q All right. And there is a total there, but that's from,
9 if this date is correct, that's December 29th, correct?

10 A Yes, sir.

11 Q All right. And now there's another receipt, which seems
12 to be similar to the first receipt, although it's not as clear
13 on top, that there's handwriting there from 12/24, correct?

14 A I can't really make it out.

15 Q Let me show you another document. Hold on one second.
16 Bear with me one second.

17 I want to show you, this was also in -- I think this
18 was part of the Government's case.

19 So we have Denny's Restaurant, 12/24, do you see
20 that?

21 A Yes, sir.

22 Q And Denny's Restaurant, 12/29, do you see that?

23 A Yep.

24 Q Okay. And just in terms of the amounts, the Denny's
25 Restaurant from 12/24 is \$48.74, do you see that?

Weniger - cross - Agnifilo

5222

1 A Yes.

2 Q And the Denny's Restaurant from 12/29 is \$101.49, right?

3 A Yes.

4 Q So going to what we were just looking at before, the
5 dates of the two Denny receipts.

6 You know that one says 12/29, right?

7 A Handwritten in, yes.

8 Q Yes. And that's \$101.49?

9 A Yes.

10 Q And then the other one is handwritten 12/24, right?

11 A Yes.

12 Q \$48.74?

13 A Yes, sir.

14 Q Right.

15 And did this lead you to conclude that Kristin
16 Keeffe was, at least, in Niagara Falls on Christmas Eve of
17 2004?

18 A We believe that -- that Kristin Keeffe was in Niagara
19 Falls.

20 Q Okay. I think on direct examination you talked about
21 this document, which is a \$525,000 check; correct?

22 (Exhibit published.)

23 A Yes, sir.

24 MR. AGNIFILO: One second.

25 (Pause.)

Weniger - cross - Agnifilo

5223

1 BY MR. AGNIFILO:

2 Q To Marianna, correct?

3 A Yes.

4 Q All right. And have you ever -- have you ever seen
5 the -- do you know what an I-526 file is?

6 A No, I don't.

7 Q All right.

8 Do you know if there -- have you ever seen the visa
9 file that was filed on behalf of Marianna?

10 A I -- I don't recall.

11 Q Okay.

12 A We may have gotten it. We have his working the case with
13 us --

14 Q Okay.

15 A -- so I'm just not certain.

16 Q Right.

17 Do you know if there's anything improper about this,
18 about this gift?

19 A I -- I don't.

20 Q Okay. And talking -- getting back to Canaprobe for a
21 second, do you know if there's anything legally improper about
22 the Canaprobe investigation?

23 A I think that there -- I mean in terms of acquiring
24 confidential banking information for -- for other individuals,
25 there are -- I believe, I'm no longer a practicing attorney.

Weniger - cross - Agnifilo

5224

1 Q That's okay.

2 A -- but my understanding is that that could potentially
3 fall within to a criminal statute, potentially.

4 Q Do you know what the rules are in Quebec?

5 A I do not.

6 Q And Canaprobe was in Quebec?

7 A Canaprobe was, yes.

8 MR. AGNIFILO: Give me one second, Judge.

9 THE COURT: Sure.

10 (Pause.)

11 BY MR. AGNIFILO:

12 Q Special Agent Weniger, I think you spoke yesterday and I
13 think you said that NXIVM sometimes went after people in
14 lawsuits and criminal investigations that were sort of
15 frivolous based on because they were their enemies, correct?

16 A I -- I do know that they had enemies, and I do know that
17 they were very litigious.

18 Q Okay. Some of the people that they -- that they focused
19 on were, in fact, convicted of crimes, correct?

20 A That's true.

21 MS. PENZA: Objection, Your Honor.

22 Q And one person --

23 THE COURT: I'm sorry?

24 MS. PENZA: Objection, and move to strike.

25 THE COURT: Sustained. And the answer is stricken.

Weniger - cross - Agnifilo

5225

1 Next.

2 BY MR. AGNIFILO:

3 Q So not all of these litigations were frivolous, correct?

4 A In terms of the outcome -- when you say -- I guess I'm
5 trying to understand, civil, criminal, what are you asking?

6 Q Let's talk about civil, civil ones first.

7 A Okay.

8 Q Not all of the civil litigations that they engaged in
9 were frivolous, correct?

10 A No.

11 Q There were computer hackings done, correct?

12 A (No response.)

13 Q In fact, that were done against them?

14 A I don't necessarily know if that's correct. I don't --

15 Q Do you know who John Tighe is?

16 A I -- yes, I know that -- that name.

17 Q And John Tighe hacked into the NXIVM computer, correct?

18 A I don't believe -- I don't believe so.

19 Q Do you know if he pled guilty to that?

20 A I don't.

21 Q You don't, okay. In state court in the --

22 MS. PENZA: Objection, Your Honor.

23 THE COURT: Sustained. He doesn't know.

24 Next.

25 MR. AGNIFILO: All right.

Weniger - cross - Agnifilo

5226

1 BY MR. AGNIFILO:

2 Q There were lawsuits against someone named Yuri Plyam,
3 correct?

4 A Yes, sir.

5 Q And Clare won that lawsuit, correct?

6 A My understanding is that it was successful, yes.

7 Q I think you were saying, getting back to Canaprobe for
8 one second, I think you said at one point there was a second
9 investigation firm that some of the Canaprobe information was
10 being shared with.

11 Do you remember?

12 A I -- I'm sorry.

13 Q No. Do you remember testifying to that?

14 A Yes, that's -- that's what it appeared by virtue of the
15 e-mails, kind of this layered system.

16 Q Did it appear to you that at some point the people in
17 NXIVM realized that Canaprobe was sending them false
18 information?

19 A Yes.

20 Q And do you know if they were checking that false
21 information with this other investigation firm?

22 A That's what it appeared.

23 Q Okay.

24 A Yes.

25 Q And do you know if that's what led to the conclusion

Weniger - redirect - Penza

5227

1 that, in fact, Canaprobe was giving them false information,
2 which led to Clare Bronfman suing them in Quebec?

3 A I believe that's right.

4 MR. AGNIFILO: Your Honor, I think I have nothing
5 else, but let me just check.

6 (Pause.)

7 MR. AGNIFILO: I am told I have nothing else.

8 Thank you, Judge.

9 THE COURT: All right, thank you.

10 Redirect.

11 MS. PENZA: Just very briefly, Your Honor.

12 THE COURT: Go ahead.

13 REDIRECT EXAMINATION

14 BY MS. PENZA:

15 Q Hello again, Special Agent Weniger.

16 A Hi.

17 Q Just a couple questions.

18 I am just showing you, Mr. Agnifilo showed you this
19 interim report on Peter Skolnik, is that right?

20 (Exhibit published.)

21 A Yes.

22 Q And this was on August 27th, 2009?

23 A That's what the -- the -- yes, that's what it reflects.

24 Q Okay. And so I am just showing you, we went over this
25 yesterday, Government Exhibit 1822. And I am just showing you

Weniger - redirect - Penza

5228

1 on August 27th, 2009, this was the document we looked at that
2 was the correspondence between Keith Raniere and Kristin
3 Keeffe, is that right?

4 A Yes.

5 Q And the defendant sends Kristin Keeffe an e-mail that
6 says: Anything, with a sad face?

7 A Yes.

8 Q And then it says: There is a charity called Sinai --
9 Kristin Keeffe writes back: There is a charity called Sinai
10 Charities. Peter Skolnik is a very well-known attorney in
11 some circles. Although it's Ross and his corps that are his
12 bread and butter at the end of the day, even if there are
13 efforts on behalf of charities in between.

14 A Yes.

15 Q And then the defendant, and this is the same day that
16 Peter Skolnik's information is provided to Kristin, correct?

17 A Yes.

18 Q And then the defendant writes, August 27th, 2009, and
19 I'll just go to the middle one: Is it that Skolnik apparently
20 does some work for the Sinai Charity in the chain of events?

21 And then again, still on August 27th: Yes, Skolnik
22 did work for Sinai, which was sponsored by his client.

23 And then is it the defendant who writes: Might be a
24 fascinating question to ask about contributions to Sinai if
25 smoke twitches?

SAM

OCR

RMR

CRR

RPR

Weniger - redirect - Penza

5229

1 A Yes.

2 Q So based on this, what can you say about whether the
3 information from Canaprobe was being conveyed from Kristin
4 Keeffe to the defendant?

5 A It certainly appears that it was.

6 Q And other than just this document, did there appear to be
7 a back-and-forth between the defendant and Kristin Keeffe?

8 A There did.

9

10 (Continued on the following page.)

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SAM

OCR

RMR

CRR

RPR

Weniger - Redirect - Penza

5230

1 BY MS. PENZA (Continuing):

2 Q Do you have any evidence that Kristin Keeffe ever acted
3 alone, without the Defendant's permission?

4 A Could you ask the question one more time?

5 Q Do you have any evidence from this case that Kristin
6 Keeffe ever acted alone, without going through the Defendant?

7 MR. AGNIFILO: Object to the form of the question.

8 THE COURT: Sustained. Rephrase the question.

9 Q Do you know -- based on your investigation, do you know
10 whether Kristin Keeffe ever acted without going through the
11 Defendant?

12 A The Defendant was the individual that everyone went to
13 for purposes of permission, to include within the legal
14 department and the legal liaison, Kristin Keeffe being the
15 legal liaison.

16 Q You talked with Mr. Agnifilo about Kristin Keeffe's
17 paranoia.

18 In the course of your investigation, have you had
19 any evidence that the Defendant was paranoid?

20 A Yes. There were others within the community that would
21 regularly report to him the observance of different vehicles
22 and things of that nature. We saw it in the WhatsApp chat
23 that was mentioned in prior testimony and, also, we heard from
24 a number of witnesses that that was pretty much the regular
25 occurrence.

Weniger - Redirect - Penza

5231

1 Q And I think you testified already to this, but when did
2 Kristin Keeffe leave the community?

3 A I believe 2014.

4 Q After she left, have you reviewed any communications
5 between the Defendant and others about any of the individuals
6 that we've talked about?

7 A I'm sorry, ask that question one more time, please.

8 Q After Kristin Keeffe had left, so after 2014, are there
9 still communications between the Defendant and others about
10 some of the individuals that we've looked at?

11 A Oh, absolutely.

12 Q And just quickly showing you what's in evidence as -- and
13 that would include who?

14 A Toni Natalie, Barbara Bouchey, Kristin Keeffe. I mean,
15 essentially all of the individuals that were -- that NXIVM
16 sought banking information.

17 Q And continued throughout?

18 A Yes, continued after Kristin Keeffe left.

19 Q When the controversy about DOS came to the forefront, was
20 there still discussion then about other individuals being
21 involved?

22 A Yes, there was this kind of conspiratorial thought.

23 Q Can you explain that a little bit?

24 A There was an effort -- my understanding is there was an
25 effort made by the organization to somehow tie those that had

Weniger - Redirect - Penza

5232

1 spoken out about DOS to the prior defectors that were
2 outspoken.

3 Q Did you have any evidence of that sort of conspiracy?

4 A No.

5 Q And just showing you this e-mail -- we looked at it
6 yesterday -- this is from 2015?

7 (Exhibit published to the jury.)

8 A Yes.

9 Q So, where Clare writes --

10 THE COURT: I'm sorry, what's the exhibit number?

11 MS. PENZA: I'm sorry, your Honor. Government
12 Exhibit 1480.

13 THE COURT: All right.

14 (Exhibit published to the jury.)

15 Q When Clare writes: Also good to know our opposition is
16 Steve Herbits, who is very close to Clinton, D'Amato, and the
17 Jewish mafia. His power is not to be taken for granted. That
18 is why we are here. He and his connections are Goliath.

19 A Yes.

20 Q As of 2015, was Kristin Keeffe still within the
21 community?

22 A I don't believe so, no. I think she left 2014.

23 MS. PENZA: Thank you.

24 No further questions, your Honor.

25 THE COURT: Recross?

Weniger - Recross - Agnifilo

5233

1 MR. AGNIFILO: One second.

2 THE COURT: Sure.

3 (Pause in proceedings.)

4 RECROSS-EXAMINATION

5 BY MR. AGNIFILO:

6 Q I only have a couple of questions for you, Special Agent
7 Weniger.

8 Do you know if for a period of time there was a
9 paternity petition pending in Surrogate's Court filed by Keith
10 Raniere because Kristin had taken Gaelyn?

11 A I recall something about that, yes.

12 Q And do you know if that was pending for a period of time,
13 for many years?

14 A That, I don't know. I'm uncertain.

15 I do know that --

16 MS. PENZA: Your Honor, I ask that the witness not
17 continue.

18 THE COURT: You can ask the next question.

19 Q If you don't know, I don't want you to speculate. If you
20 don't know, that's fine.

21 MR. AGNIFILO: I have nothing else, your Honor.

22 Thank you.

23 THE COURT: Anything else from the Government?

24 MS. PENZA: No, your Honor.

25 THE COURT: Witness is excused. You may stand down.

Proceedings

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1 THE WITNESS: Thank you, your Honor.

2 (Witness excused.)

3 THE COURT: The Government may call its next
4 witness.

5 MS. PENZA: Your Honor, the Government rests its
6 case.

7 THE COURT: Very well. At this time, members of the
8 jury, we're going to take a short recess and then bring you
9 back.

10 All rise for the jury.

11 (Jury exits.)

12 THE COURT: Please be seated.

13 Does the defense have a motion?

14 MR. AGNIFILO: Yes, your Honor.

15 We move to dismiss certain counts of the indictment
16 as being insufficient in terms of the evidence and the
17 testimony elicited at the trial. We simply don't believe
18 there has been sufficient evidence --

19 THE COURT: Can you speak more into the microphone
20 so everybody can hear you better? Thank you.

21 MR. AGNIFILO: We don't believe there's been
22 sufficient evidence of an enterprise. We would think that
23 there's insufficient evidence of the enterprise, we think
24 there's insufficient evidence of the various racketeering acts
25 that comprise Counts One and two.

Proceedings

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1 And we can make a more specific motion, but, at this
2 point, we believe that there's insufficient evidence in regard
3 to the counts and in regard to the racketeering acts.

4 MS. HAJJAR: Your Honor, the Government can make a
5 more specific proffer should the defense wish to make a more
6 fulsome argument, but there's more than sufficient evidence
7 for this case to go to the jury.

8 Lauren Salzman, Daniela, Mark Vicente all testified
9 regarding the enterprise, regarding the racketeering acts,
10 regarding the fact that the enterprise, the purpose of it was
11 to promote the Defendant, and that the Defendant committed
12 these racketeering acts because of his position as the leader
13 of the enterprise.

14 But should the Defendant make a more specific
15 argument, we're happy to respond, your Honor.

16 MR. AGNIFILO: Your Honor, for the moment, I want to
17 focus on the absence of evidence of commercial sex in regard
18 to the sex trafficking counts and -- acts, rather.

19 I don't think there's been anything elicited that
20 would amount to legally sufficient evidence that there was
21 commercial sex in this case and we move to dismiss in specific
22 those particular charges.

23 THE COURT: All right.

24 Yes?

25 MS. HAJJAR: There certainly was, your Honor. The

Proceedings

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1 commercial sex act is defined as any sex act on account of
2 which anything of value is given to or received by any person.
3 And in this case, there was ample testimony through Lauren
4 Salzman, among others, that access to Keith Raniere, access to
5 the Defendant, meant increased financial opportunities, meant
6 access to money. Nicole testified that she was, in fact,
7 provided with cash as a direct result of her sexual
8 relationship with the Defendant.

9 Here, the Government has proven that the DOS
10 first-line masters maintained their position, which directly
11 translated to access to money, access to financial
12 opportunities with the Defendant, as a result of tasking their
13 slaves to have sex with the Defendant. And that nexus was
14 amply shown by e-mail correspondence, including the e-mail
15 correspondence between Allison Mack and the Defendant with
16 regard to India, Nicole's testimony, and Jay's testimony.

17 So, that commercial sex aspect, your Honor, has been
18 proven and should go to the jury.

19 THE COURT: Anything else?

20 MR. AGNIFILO: No, your Honor.

21 THE COURT: The Court concludes that there is
22 sufficient evidence of the enterprise and the commercial sex
23 acts to go to the jury for consideration. The motion is
24 denied.

25 And at this point, the Court requests to know

Proceedings

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1 whether it's the intention of the Defendant to testify on his
2 own behalf, and then I can query the Defendant regarding that.

3 Mr. Agnifilo?

4 MR. AGNIFILO: Just give me one minute, Judge.

5 (Pause in proceedings.)

6 MR. AGNIFILO: Your Honor, thank you for the time.

7 THE COURT: Yes.

8 MR. AGNIFILO: We've spoken. I've spoken with my
9 client about the matter. My client does not wish to testify.

10 THE COURT: All right. Let me address this directly
11 to Mr. Raniere.

12 Mr. Raniere, you have the right under the
13 Constitution of the United States --

14 You can stay seated, that's fine.

15 You have the right under the Constitution of the
16 United States to testify in your behalf, if you wish to do so.
17 On the other hand, if you decide not to testify, the Court
18 will instruct the jury that you have the absolute right under
19 the Constitution of the United States not to testify and the
20 fact that you are not testifying cannot be considered in any
21 way by the jury in connection with its determination of
22 whether you've broken the law.

23 So, I will instruct the jury should you decide not
24 to testify that they cannot take that into account against you
25 when reviewing the evidence in the case; do you understand

Proceedings

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1 that?

2 THE DEFENDANT: I do, your Honor.

3 THE COURT: And have you discussed your right to
4 testify with your attorneys?

5 THE DEFENDANT: I have, your Honor.

6 THE COURT: Have they answered all your questions
7 about your right to testify?

8 THE DEFENDANT: They have, your Honor.

9 THE COURT: Do you understand that the choice to
10 testify or not testify repose with you and you alone?

11 THE DEFENDANT: I do, your Honor.

12 THE COURT: And are you satisfied as a result of
13 your conversations with your attorneys that your decision not
14 to testify is made voluntarily and is made in such a way that
15 it reflects your decision not to testify?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Is there anything else you'd like me to
18 ask of your client?

19 MR. AGNIFILO: No, thank you.

20 THE COURT: Thank you.

21 I find that the Defendant has knowingly and
22 voluntarily waived his right to testify in this trial.

23 Let's bring back the jury.

24 MS. PENZA: Your Honor, one thing. I'm sorry.

25 The Government does want to put on the record that

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1 it has offered to the defense to make any of its witnesses
2 available to them. That includes our two cooperating
3 witnesses, including Lauren Salzman, who testified earlier in
4 the trial.

5 That offer has -- no one has taken us up on that
6 offer, and, so, we just want to put that on the record, that
7 the defense does not wish us to make anyone available for
8 their case.

9 THE COURT: Is that correct?

10 MR. AGNIFILO: Yes, that's correct.

11 THE COURT: All right.

12 Are you planning to put on a case?

13 MR. AGNIFILO: No, Judge.

14 THE COURT: Do you want me to take the jury out and
15 do the Rule 29 motion again once I have ascertained that
16 you're not putting on a case?

17 I'm willing to do that.

18 MR. AGNIFILO: No, I'm not requesting.

19 THE COURT: Do you understand what I'm saying?

20 MS. HAJJAR: Yes, your Honor.

21 THE COURT: Is there any desire by the Government to
22 have me go through that again?

23 MS. HAJJAR: I don't believe there's any need. If
24 there's a motion...

25 THE COURT: Just checking.

Proceedings

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1 (Jury enters.)

2 THE COURT: Please be seated.

3 Mr. Agnifilo.

4 MR. AGNIFILO: The defense rests as well.

5 THE COURT: Thank you.

6 Members of the jury, this concludes the evidentiary
7 portion of the case. The next step will be closing arguments
8 by the Government and the defense and the rebuttal by the
9 Government, to be followed by the charge as to the law, which
10 the Court will give you at that point, and then you will
11 retire to consider your verdict.

12 So, on Monday morning, I'd like you to try to be
13 here, everyone to be here, as close to 9 o'clock as possible
14 so we can move right into the closing arguments, and we'll
15 take it from there.

16 At this time, I'm going to remind you that it's very
17 important that you follow my instruction that you not discuss
18 the case with anyone; not your family, friends, or business
19 associates, and not your fellow jurors.

20 In addition, you must not read, listen to, watch, or
21 access any accounts of this case on any form of media, such as
22 newspapers, TV, radio, podcasts, or the internet, nor research
23 or seek outside information about any aspect of the case.

24 Please do not communicate with anyone about the case
25 on your phone, whether through e-mail, text messaging, or any

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1 other means; through any blog or website or by way of any
2 social media, including Facebook, Twitter, Instagram, YouTube
3 or other similar sites.

4 You must not consider anything you may have read or
5 heard about the case outside this courtroom, whether you read
6 it before or during jury selection or during this trial. And
7 do not visit any of the locations identified during the course
8 of jury selection or trial.

9 So, we're going to adjourn for the day and get a
10 good rest over the weekend, and then we'll proceed with
11 closing arguments on Monday morning. And, as always, on
12 behalf of the parties, the Court thanks you for your attention
13 to this case.

14 All rise for the jury.

15 (Jury exits.)

16 THE COURT: Please be seated.

17 Is there anything else from the Government for
18 today?

19 MS. PENZA: No, your Honor.

20 THE COURT: And your motion was made at the end of
21 the Government's case.

22 MR. AGNIFILO: Right.

23 THE COURT: Do you need to make it again?

24 MR. AGNIFILO: I don't feel the need to.

25 THE COURT: I'm just making sure.

Proceedings

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1 And is there anything else?

2 MR. AGNIFILO: No, there's not from us.

3 THE COURT: Thank you.

4 Tomorrow morning at 11:00 a.m., we're going to have
5 the charge conference. Since it's not a normal court day, I
6 would appreciate it if whoever is interested in attending the
7 charge conference from either the media or the public advise
8 the marshals that they intend to be here so that if we don't
9 have enough room in the gallery, that we could also utilize
10 the overflow room and the media room. And that way, we can
11 avoid tomorrow morning having an immediate difficulty with
12 seating everybody who may wish to be here.

13 I think that's basically it. Monday morning we're
14 going to try to start at 9:00 a.m. because we expect closings
15 to be lengthy.

16 So, the last question is, who is doing the initial
17 closing for the Government, your Honor?

18 MS. PENZA: I am, your Honor.

19 THE COURT: And how long do you think your closing
20 is going to take?

21 You haven't been very successful with these --

22 MS. PENZA: I know that, your Honor, which I
23 apologize for, but I will keep it under four hours.

24 THE COURT: All right.

25 And the defense?

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1 MR. AGNIFILO: I'll be under four hours also.

2 THE COURT: And then for rebuttal?

3 MR. LESKO: Hour or less.

4 THE COURT: So, my sense is that we can get to the
5 charge sometime relatively early on Tuesday. And, as I said,
6 I'm going to have my law clerks assist me with the charge,
7 providing the charge to the jury.

8 All right, that's it. Thank you very much.

9
10 (Matter adjourned until Saturday, June 15, 2019 at
11 11 o'clock a.m.)
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WITNESS

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MICHAEL WENIGER

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